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Translation Quarterly

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The Hong Kong Translation Society

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Editor's Note

Since issue no. 36, C & C Offset Printing Co., Ltd. has been sponsoring the printing of *Translation Quarterly*. Their generous financial support has allowed us to push forward with our publication efforts, and for making the past nine issues available, we wish to express our sincerest thanks to the company's Chairman, Mr. Lo Chi-hong. With the present issue, however, once again we have to fall back on our own meager resources.

The staple of the present issue is made up of three articles on diverse topics. Li Kexing's piece on legal translation is the third in his series of articles on practical translation published in this journal. The first of these, appearing in 1997, was on "The Fundamental Principles of Legal Translation," and the second, on "A Theoretical Model for the Translation of Advertisements," was published in 2004. A bold step forward from the 1997 piece, the present article examines regional differences in legal translation as carried out in the PRC and Taiwan, focusing on the translation of the law for expressing rights and liabilities in civil and criminal cases. Turning to the subject of media translation, Chen Ya-mei elaborates on the minute and not easily observable differences introduced into translated news items. While such "trans-editing" (or adaptation) is familiar enough to translation scholars, Chen's analysis of the Chinese translations of reports on the Aegis arms sales to Taiwan is incisive and provocative enough

to warrant our readers' attention. Finally, this issue concludes with Leo Tak-hung Chan's article on recent trends in translating philosophical terminology into English, as illustrated by his translation of Ge Zhaoguang's *History of Chinese Thought*. It is Part 2 of a discussion that he began in issue no. 43.

Members of the Hong Kong Translation Society have already heard of the proposal that, in future, subscribers of the *Translation Quarterly* be required to pay administrative charges in order to receive the journal by mail. The loss of a major sponsor, rising production costs, as well as the large number of Life Members who no longer need to pay any dues to the Society, have made it imperative that we adopt measures to ensure the survival of a journal that has proved to be such an important publication venue for both translation scholars and practitioners.

The Editors

December 2007

臺灣與大陸法律翻譯的比較研究

李克興

Abstract

Legal Translation in the PRC and Taiwan (by Li Kexing)

This paper examines the basic sentence patterns in statute law for expressing rights and liabilities in civil cases and punishments in criminal procedures in the PRC and Taiwan. It extensively discusses the usages and functions of a number of special Chinese auxiliary verbs (equivalent to modal verbs in English) in legal texts. In the course of the discussion, the author compares the pragmatic, syntactic and stylistic differences and similarities in Chinese-to-English translation between the two legal systems. In the concluding part, the author traces the factors that may have caused the growing differences and attempts to offer a critical evaluation of legal translation mainly in Taiwan.

一、引 言

臺灣法律翻譯的歷史實際上比中國大陸的法律翻譯歷史更為源遠流長，法律翻譯的專業人才應該也比大陸更為充足和資深，因為臺灣目前的法律翻譯即乃中華民國的法律翻譯，它的幾部主

要法律，如憲法、刑法、民法等，都是原本國民黨在大陸統治時期就已經實施或準備實施的法律。雖然，隨着時代的變遷，不少臺灣今日正在實施的法律幾經修改，已經與國民黨政權初遷臺灣時期的法律有諸多不同，但憲法未改，且政府的立法院目前仍然是泛藍陣營即原國民黨籍的議員佔多數，故國民黨統治時期通過的基本法律框架仍然保持不變。其主要翻譯文本（本文指英譯文本），絕大多數仍然是在國民黨執政時期就已經譯就的文本。目前，大部分這類雙語文本的法律都公佈在網上，供公眾查閱。本文的分析，主要根據這些公佈在網上的中華民國雙語法律。由於國民黨統治大陸及臺灣曾有較長一段歷史，而 1949 年之後，臺灣社會相對穩定，經濟繁榮，期間制訂並通過了大量的、與臺灣社會和經濟發展緊密相關的法律，使臺灣的法律體系日臻完善。所以，目前在臺灣實施的法律種類相當齊全，網上能夠查閱得到的雙語文本也是浩繁疊卷，令人眼花繚亂。故此，本文只好以中華民國的幾部大法（主要是《憲法》及《民法》）的雙語版本為衣鉢，對比大陸的同類雙語法例，來分析兩地（尤其是臺灣）法律語篇中所用的典型句式，探討其語用特點，以及尋找其法律翻譯的基本規律。

二、臺灣與大陸法律條文中的 典型句型及其譯法比較

毫無疑問，任何一個有完善法律制度的國家或地區的主要法律不外乎憲法、刑法、民法、刑事訴訟法、民事訴訟法、商法

（如合同法）等。雖然一個完善的法律制度可以有形形色色、林林總總的不同法律，但法律條文中（包括各種合約條文）的典型句型非常有限。大部分法律條文都是由一個條件句和一個帶助動詞／情態動詞、表示權利、義務或責任、獎懲的主句構成。雖然臺灣與大陸的書面語同為漢語，但由於社會制度的顯著差異，文字改革的方向和方針的不同，以及文化交流完全中斷長達將近四十年，兩岸的語言差異越來越大，這一點在法律語言中的表現尤其明顯。臺灣與大陸在法律條文的主要句型選擇，構成該等句型的核心常用詞的選用以及法律概念的表述（但本文的論述主要限於語言方面）等方面均有較大差別。

在臺灣，中文法律條文中最常見的句型是“……者，應＋行為動詞”（主要用在表述民事責任方面，如“應負賠償責任”），或“……者，處……刑罰”（主要用在表述刑事處罰方面，如“處××年有期徒刑”）的結構。但其英文版的譯法變化多端，最典型的英譯句型是“Any person/a person who does sth. shall + verb ...”。其次是“A person who has done or does sth., shall + verb ...”。例如：

例 1. 凡公務員違法侵害人民之自由或權利者，除依法律受懲戒外，應負刑事及民事責任。Any public functionary who, in violation of law, **infringes** upon the freedom or right of any person **shall**, in addition to being subject to disciplinary measures in accordance with law, **be held responsible** under criminal and civil laws.（《中華民國憲法》第 24 條）

例 2. 直屬主管長官對於所屬人員，明知貪污有據，而予以庇護或不為舉發者，處一年以上七年以下有期徒刑。公務機關主管長官對於受其委託承辦公務之人，明知貪污有據，而予以庇護或不為舉發者，處六月以上五年以下有期徒刑。**Any immediate superior who has** actual or direct proof that a person under their supervision has committed one or more of the corrupt acts listed in this statute **and fails** to disclose it to the competent authorities **shall** upon conviction **be sentenced** to imprisonment for a minimum of one year and a maximum of less than seven years. **Any officer of a government agency who has** actual or direct proof that a person they commissioned to handle official matters has committed one or more of the corrupt acts listed in this statute **and fails** to disclose it to the competent authorities **shall**, upon conviction, **be sentenced** to imprisonment for a minimum of over six months and maximum of less than five years. (《中華民國貪污治罪條例》第 13 條)

例 3. 無行為能力或限制行為能力人，不法侵害他人之權利者，以行為時有識別能力為限，與其法定代理人連帶負損害賠償責任。**A person** of no capacity or limited in capacity to make juridical acts, **who has** wrongfully **damaged the rights of another, shall be jointly liable** with his guardian for any injury arising therefrom if he is capable of discernment at the time of committing such an act. (《中華民國民法》第 187 條)

而在大陸，最典型的中文法律句型是“……的，應當＋行為

動詞”（主要用於民事案件，如對當事人或執法人員所作的規定），或“……的，處／應當……（接受）刑罰／處罰”（主要用於刑事案件的當事人），最主要的英譯句型是：“Whoever does sth ... shall + verb”。其次是“A person who does sth. shall + verb”，這後一種譯法或句型與臺灣法律譯本中的常見譯法或句型是相同的。例如：

例 4. 以暴力、脅迫或者其他手段強姦婦女的，處三年以上十年以下有期徒刑。**Whoever rapes** a woman by force, threat or other means **shall be sentenced** to fixed-term imprisonment of not less than three years and not more than ten years.（《中華人民共和國刑法》（1997 版）第 236 條）

例 5. 教唆他人犯罪的，應當按照他在共同犯罪中所起的作用處罰。教唆不滿十八周歲的人犯罪的，應當從重處罰。**A person who instigates** others to commit a crime **shall be punished** according to the role he has played in the joint crime. **A person who instigates** a man under eighteen years old to commit a crime **shall be given** a heavier punishment.（《中華人民共和國刑法》（1997 版）第 29 條）

從上面五個例子可以看出：在法律條文的條件句中，臺灣仍然是採用比較傳統“……者”的句式結構，大陸則用比較接近口語的“……的”字句式結構，但這並不等於說大陸的法律用語比較口語化或正式程度較低。在助動詞、連接詞等的使用方面，臺灣的法律文本較常使用“應”、“須”、“可”、“或”、

“但”；而大陸反倒用“應當”、“必須”、“可以”、“或者”、“但是”（尤其在中央一級的法律用語中），極少使用這些詞的簡略形式。由此可見，兩地在中文法律措詞方面有一定的差異。至於兩地在翻譯類似的法律概念時，所用的句式沒有本質上的差異，都是用當代法律英文中最為流行的句式結構來表達的。但有一個區別非常明顯，即臺灣在將中文法律條文翻譯成英文時，句式變化非常之大。在同一個英譯法律文本中可能會同時使用六七種不同句式，雖然其原文中文句式或結構基本上是相同的。例如：

例 6. **A person who** has wrongfully caused the death of another **shall also be bound to make compensation for** the injury to any person incurring the medical expenses, increasing the need in living, or incurring the funeral expenses. 不法侵害他人致死者，對於支出醫療及增加生活上需要之費用或殯葬費之人，亦應負損害賠償責任。（《中華民國民法》第 192 條）

例 7. **If a person** has wrongfully damaged to the body or health of another, and caused the injured person to lose or decrease his laboring capacity, or to increase the need in living, **the tortfeasors shall be bound to make compensation to the injured person for any injury arising therefrom.** 不法侵害他人之身體或健康者，對於被害人因此喪失或減少勞動能力或增加生活之需要時，應負損害賠償責任。（《中華民國民法》第 193 條）^[1]

從英文語法上講，以上兩個句子都無可指責。但一個採用的是臺灣法律譯本中最常用的“A person who does sth. shall + verb”的標準句式，另一個則採用“If + subject + verb”的條件句再加“subject + shall + verb”的主句的句式。而該兩句的原文幾乎是完全相同的句式，根本沒有必要用兩種完全不同的英文句型去翻譯。若這樣類似的原文來自不同性質的法律，或者這兩條法律條文不是毗鄰的條文，我們都還有可能為譯文作些辯解：兩條譯文可能出自兩位不同的譯者，因此語言風格自然有所不同。但由於這是上下相連的條文，我們只能認為有關的法律翻譯人員對法律翻譯的一些基本原則缺乏應有的認識。除以上這類句型上不必要的變換外，另外還存在的明顯問題是經常用不同的措辭／動詞時態表達完全相同的法律概念。例如，同在《中華民國民法》第191-1 條中：

例 8. The manufacturer is **liable for the injury** to another arising from the common use or consumption of his merchandise, ... The importer **shall be as liable for the injury** as the manufacturer. 商品製造人因商品之通常使用或消費所致他人之損害，負賠償責任。……商品輸入業者，應與商品製造人負同一之責任。（《中華民國民法》第 191-1 條）

同一條法律兩個極相似的表示責任的句子，在翻譯成英文時，其中一句用一般現在式時態（is liable for the injury）去表述，另一句卻用時態上屬於將來式（當句子主語是第三人稱時，則表示義務、責任和權利）的標準法律句式（shall be as liable for the

injury) 去表達。雖然，有人會辯稱，以上一段的第二分句中有個“應”字，所以必須用“shall be liable”這樣的句式來表達以示與前者的區別；但事實上，該兩句表示“負責賠償”的法律概念是沒有任何區別的。再說，在該法律譯本的別處，即使漢語文本中沒有“應”，也時常用帶情態動詞“shall”的句式去表示，例如：

例 9. 無行為能力人或限制行為能力人，不法侵害他人之權利者，以行為時有識別能力為限，與其法定代理人連帶負損害賠償責任。行為時無識別能力者，由其法定代理人負損害賠償責任。A person of no capacity or limited in capacity to make juridical acts, who has wrongfully damaged the rights of another, **shall be jointly liable** with his guardian for any injury arising therefrom if he is capable of discernment at the time of committing such an act. If he is incapable of discernment at the time of committing the act, his guardian alone **shall be liable** for such injury. (《中華民國民法》第 187 條)

由上可見，有關翻譯人員對法律英文中的最主要的情態動詞 shall 的用法仍然有很大的隨意性：想用就用，不想用就不用。這一點也說明了有關法律翻譯人員儘管英文表達水準相當之高，但其法律翻譯是缺少指導原則的，或許譯者在法律英文寫作上還缺少必需的訓練。雖然，以上所用的這些句式或所用的時態從語法上講都無可指摘，因為這些都是當代法律英語中流行的句式或所允許的時態，但臺灣的法律翻譯人員可能沒有留意到英文法律寫作中一個基本的原則：即在法律條文的寫作中要堅持用同一辭彙

或句式表示同一法律概念，避免用五花八門的同義詞（或意義相同的不同句式）表示相同的法律概念。這一原則在當今以英語為母語的國家的法律條文中都得到充分的體現。有關這一原則，《法律文體》一書的作者 Henry Weihofen 是這樣強調的：

“... exactness often demands repeating the same term to express the same idea. Where that is true, never be afraid of using the same word over and over again. Many more sentences are spoiled by trying to avoid repetition than by repetition.”^[2]

這裏作者針對的雖然是法律概念或術語的表達問題，但在句式選用上應該也無例外。倘若中文法律條文的句式相同，譬如用“……者，應……處……”的句式，譯者又認為英文中最適當的句式是“Any person who does sth. shall + verb”，那麼在翻譯第二個、第三個相同的句式時就沒有必要隨意變換成其他句式（除非語法或詞語搭配上有特殊困難），否則，讀者會無端揣測不同法律句式可能包含一些其實根本不存在的“言外之意”。

以上文字也可以看成是筆者對臺灣法律譯本的一點批評。除了句型、時態和措辭方面存在這些不夠嚴謹的問題外，另外還存在一些將來式時態與法律句式時態混淆的問題。眾所周知，即使原法律條文中沒有“應”、“須”、“得”、“不得”、“應當”、“必須”之類的表示法律義務、責任、權力，或毋需履行有關責任、義務或失去某項權利之類的措辭，在規範的法律英文寫作中，會一概使用“subject（第三人稱）+ shall + verb”或“subject（第三人稱）shall + not + verb”的表達形式。“subject

（第三人稱）+ will + verb” ， “subject（第三人稱）+ will + not + verb” 是普通英文中表示將來狀態的句式，用在有條件句的、正式法律條文的主句中可以說是一種錯誤的表達方式。然而，這樣的疏忽性錯誤在重大的臺灣法律文獻的譯本中也不能倖免。例如：

例 10. 因不可歸責於債務人之事由，致給付不能者，債務人免給付義務。The debtor **will be released** from his obligation to perform if the performance becomes impossible by reason of a circumstance to which he is not imputed.（《中華民國民法》第 225 條）

正確的譯文應當是 “The debtor shall be released from his obligation” 或者主句動詞乾脆用表示自然法則的普通現在時態——如果與該有關主句配合的並不是在行為時間上有先後之分的條件句。因為公平、公正的法律應該是人類社會的法則，可以視作整個自然法則的一部分，在表述方式上可以與大自然法則的表述方式（即一般現在時態）相同。

不過，以上所有的論述都與臺灣和大陸法律條文中的第一大句型有關。既然有所謂第一大句型，自然還可以歸納出第二大或第三大常用句型。其實，這第二大句型實際上正好體現在臺灣與大陸法律條文中存在最明顯差異的“得”字的使用上。以下我們不妨用專門的一節來闡述兩地法律文獻中存在的輔助或情態動詞方面的異同。

三、大陸、臺灣法律文獻中輔助／情態動詞的用法、譯法異同比較

（一）法律語言中的輔助／情態動詞：“得”與“不得”

這兩個詞是中文法律裏最重要、重複率最高的辭彙之一。它們用來表示法律上的許可與禁止。臺灣與大陸法律語言中最大的不同是“得”字的用法和譯法。在大陸，除了在《中華人民共和國憲法》及最近通過的《反國家分裂法》的第八條中使用過具有法律上輔助動詞含義的“得”字以外，它極少在其他法律條文中使用。雖然在古漢語中“得”字有“許可”或“可能”、“可”、“能”的意思，但在近代白話文和當代漢語的實際應用中，尤其是當“得”字作為輔助動詞單獨使用時，其最一般的含義為“必須”（“這件事還得你去，才弄的明白。”《紅樓夢》第九十四回）以及“需要”（“你得告訴我事情的真相！”）。但作為輔助動詞“得”字最廣泛的使用形式，由古至今都是與“不”字連用的，即“不得”，表示一種禁止。例如，《後漢書·隗囂傳》說：“田為王田，買賣不得。”

在臺灣的法律語言中，“得”字廣泛使用，表示法律上給予的一種選擇權利或許可（相當於“可”），這一點在臺灣可以說是家喻戶曉的。而該詞普通漢語中的“必須”、“需要”的意思，在法律文獻中已蕩然無存。所以在將“得”譯成英文時，除個別例外（另加說明），幾乎一律譯成“may”（見以下的例 11 及例 12）。

例 11. 人民遭受任何機關非法逮捕拘禁時，其本人或他人得向法

院聲請追究，法院不得拒絕，並應於二十四小時內向逮捕拘禁之機關追究，依法處理。When a person is unlawfully arrested or detained by any organ, he or any other person **may** petition the court for an investigation. The court **shall not** reject such a petition, and shall, within 24 hours, investigate the action of the organ concerned and deal with the matter in accordance with law. (《中華民國憲法》第 8 條)

例 12. 凡公務員違法侵害人民之自由或權利者，除依法律受懲戒外，應負刑事及民事責任。被害人民就其所受損害，並得依法向國家請求賠償。Any public functionary who, in violation of law, infringes upon the freedom or right of any person shall, in addition to being subject to disciplinary measures in accordance with law, be held responsible under criminal and civil laws. The injured person **may**, in accordance with law, claim compensation from the State for damage sustained. (《中華民國憲法》第 24 條)

而在大陸的法律用語中，要表示一種許可、選擇或等同於臺灣“得”字的漢語詞是“可”或“可以”。譯成英文時，也一概用情態動詞“may”（見例 13、例 14）。所以，從非嚴格意義上講，臺灣法律中的輔助動詞“得”基本上相當於大陸法律用詞中的“可以”或“可”。於是，在將法律條文翻譯成英文時，兩地有一個共通的英文句型：“Any person who does sth. may + verb ...”。

例 13. 十周歲以上的未成年人是限制民事行為能力人，可以進行

與他的年齡、智力相適應的民事活動……。A minor aged 10 or over shall be a person with limited capacity for civil conduct and **may** engage in civil activities appropriate to his age and intellect (中華人民共和國《民法通則》第 12 條)

例 14. 民事法律行為的委託代理，可以用書面形式，也可以用口頭形式。法律規定用書面形式的，應當用書面形式。A civil juristic act **may** be entrusted to an agent in writing **or** orally. If legal provisions require the entrustment to be written, it shall be effected in writing. (中華人民共和國《民法通則》第 65 條)

然而，其否定形式，即“不得”無論在大陸還是在臺灣，其用法和譯法都是相同的，表達方式非常之多，但主要有四種句式。不過最基本的還是用“shall not + verb”（見例 15）；其次為“No + (subject) + shall + verb”（見例 16）和“nor + shall + (subject) + verb”（如果該句之先已經是一個“shall + not”的否定句）（見例 15）。再其次是“may not + verb”（見例 17、18、19）。例如：

例 15. 法院對於前項聲請，不得拒絕，並不得先令逮捕拘禁之機關查覆。逮捕拘禁之機關，對於法院之提審，不得拒絕或遲延。The court **shall not** reject the petition mentioned in the preceding paragraph, **nor shall** it order the organ concerned to make an investigation and report first. The organ concerned **shall not** refuse to execute, or delay in executing, the writ of the court for the surrender of

the said person for trial. (《中華民國憲法》第 8 條)

例 16. 除現行犯之逮捕由法律另定外，非經司法或警察機關依法
定程序，不得逮捕拘禁。非由法院依法定程序，不得審問處罰。
Except in case of flagrante delicto as provided by law, **no person shall**
be arrested or detained otherwise than by a judicial or a police organ in
accordance with the procedure prescribed by law. **No person shall** be
tried or punished otherwise than by a law court in accordance with the
procedure prescribed by law. (《中華民國憲法》第 8 條)

“Shall + not” 雖然是“不得”的標準的對等翻譯，兩岸的絕
大部分英譯法律條文均如此，但偶爾也有例外，在臺灣和大陸均
有用“may + not”來翻譯“不得”的大量譯例，而且其禁令的語
氣一般都比“shall + not”稍強一些。例如：

例 17. 請求權已經時效消滅，債務人仍為履行之給付者，不得以
不知時效為理由，請求返還；其以契約承認該債務或提出擔保者
亦同。If any prestation is made in satisfaction of a claim extinguished
by a prescription, the debtor **may not** demand the return of the
prestation on the ground that he was ignorant of the prescription. The
preceding rule applies to a contractual acknowledgement of obligation
and to the giving of security for the obligation. (《中華民國民法》
第 144 條)

例 18. 時效期間，不得以法律行為加長或減短之。並不得預先拋

棄時效之利益。The period of prescription **may not** be extended or reduced by juridical acts. The advantage of prescription **may not** be waived in advance. (《中華民國民法》第 147 條)

例 19. 申請人可以對其專利申請文件進行修改，但是，對發明和實用新型專利申請文件的修改不得超出原說明書和權利要求書記載的範圍…… An applicant may amend his or its application for a patent, but the amendment to the application for a patent for invention or utility model **may not** go beyond the scope of the disclosure contained in the initial description and the claims. (《中華人民共和國專利法》第 22 條)

從以上例 11、例 12 中我們可以很清楚地看出：在臺灣的法律中“得”表示一種許可或選擇權，譯成英文時基本上都用 may 去表達；但在少數情況下，也有用“be entitled to”去表示的。例如：

例 20. After the completion of a prescription, the debtor **is entitled to** refuse to perform his obligation. 時效完成後，債務人得拒絕給付。
(《中華民國民法》第 144 條)

例 21. 債權人基於債之關係，得向債務人請求給付。給付，不以有財產價格者為限。不作為亦得為給付。By virtue of an obligation, the creditor **is entitled to** claim a prestation from the debtor. A prestation may consist in something which cannot be valued in money. A prestation **may** consist in forbearance. (《中華民國民法》第 199 條)

由於例 21 這條法律條文包括兩個“得”，而英譯版用“is entitled to”及“may”等兩種不同的形式去表達，而且這在臺灣的各類法例譯本中並非罕見，所以我們有充分理由認為“be entitled to”是用來表達“得”的另一個選擇，因為“be entitled to”本身就能表示一種選擇權。

最後還順便值得一提的是兩地書面漢語中的“得”的疑問形式：在大陸，基本上只用“可否”這一種形式，而在臺灣，雖然“可以”不在正式法律條文中使用，而“可”也極少以輔助動詞的形式出現在正式的法律條文中，但“可否”依然在法律文書中廣為應用，當然其最主要的疑問形式仍然是由臺灣最普遍使用的輔助動詞“得”的形式演變出來的，即“得否”^[3]——而這樣搭配的疑問詞在大陸的法律文本中是根本無法找到的。

（二）兩地法律語言中的輔助或情態動詞“應”、“須”及“必須”的用法、譯法比較

法律條文中表示一般性強制的輔助或情態動詞是“應”、“須”及“必須”。這三個強制助詞的用法和譯法在兩地是基本相同的（儘管後者在臺灣的法律條文中使用頻率比較低），基本上都用“shall + verb”的方式去表達（見例 1、例 6、例 7）。雖然“應”及“須”在大陸的法律文件中均廣泛使用，但一般只限於地方性的或正式程度稍遜的法律文件（如地方性法規、合約及各種 by-law）；在全國性的法律文件，如憲法、刑法、民法通則、刑事或民事訴訟法中，當需要表示義務以及強制的概念時，在輔助動詞的使用上均選用正式程度較高的“應當”或“必須”。大陸法律中的“應”、“應當”以及“須”這三個詞在意

義上並無明顯差別，只是在語域上稍有不同而已；而“應”與“須”在意義或語域上可以說是完全相同的，雖然“須”表面上看起來強制意義比“應”稍明顯一些，但實際應用時區分並不嚴格，可以互換使用。然而，“須”與“必須”的意義並非完全等同，“須”在形式上看似是“必須”的縮寫，在實際應用時，用“應當”的地方幾乎都可以用“須”來取代而其強制程度或義務性質不變。一旦法律行文中用了“必須”，其強制及強調程度便已達到頂點。因此，一般性的強制或義務均用“應當”、“須”或“應”來表達，“必須”通常在需要特別強調的情況下才使用（詳見下文例 24、25）。

在臺灣的法律文件中，“應”使用十分廣泛，而“須”只是偶爾用之，“必須”幾乎不用（見例 22 等）。前兩者的作用、用法及含義幾乎完全相同。此外，臺灣法律文件中的“應”和“須”與大陸法律文件的“應”、“應當”、“須”在用法和意義上是完全等同的。在翻譯成英文時，雖然以往大陸有用“be to verb”的表達方式（如舊版《中華人民共和國刑法》的譯本），但目前海峽兩岸的表達方式比較一致：幾乎一律用“shall + verb”的短語搭配形式。例如：

例 22. 省自治法制定後，須即送司法院。司法院如認為有違憲之處，應將違憲條文宣佈無效。The Provincial Self-Government Regulation **shall**, after enactment, be forthwith submitted to the Judiciary. The Judiciary, if it finds any part thereof unconstitutional, **shall** declare null and void as to the said part.（《中華民國憲法》第 114 條）

例 23. 教唆他人犯罪的，應當按照他在共同犯罪中所起的作用處罰。教唆不滿十八周歲的人犯罪的，應當從重處罰。A person who instigates others to commit a crime **shall** be punished according to the role he has played in the joint crime. A person who instigates a man under eighteen years old to commit a crime **shall** be given a heavier punishment. (《中華人民共和國刑法》(1997 版) 第 29 條)

例 24. 民事活動必須遵守法律，法律沒有規定的，應當遵守國家政策。Civil activities **must** be in compliance with the law; where there are no relevant provisions in the law, they **shall** be in compliance with state policies. (中華人民共和國《民法通則》第 65 條)

例 25. 任何單位或個人實施他人專利的，除本法第十四條規定的以外，都必須與專利權人訂立書面實施許可合同，向專利權人支付專利使用費。……專利權的所有單位或者持有單位應當對職務發明創造的發明人或者設計人給予獎勵。Except as provided for in Article 14 of this law, any entity or individual exploiting the patent of another **must** conclude a written licensing contract with the patentee and pay the patentee a fee for the exploitation of its or his patent. ... The entity owning or holding the patent right on a job-related invention-creation **shall** reward the inventor or designer. (《中華人民共和國專利法》第 12 條)

從例 24 中，我們可以非常清晰地看出“應當”與“必須”之間的強制和強調的程度差別：有法律規定的，“必須”依法遵

守；沒有規定的自然靠良心和公德心，因此用“應當”即可。而以上例 25 這條法律規定的法理更可用常理去理解：任何人利用他人發明的專利，必須與專利權人訂合同，並有所付出。否則，這就是侵權。因此必須予以特別強調。但專利權持有單位是否一定要給予專利的職務發明人任何個人獎勵，則不必用必須去強制或強調。倘若該發明人領的是單位的工資，住的是單位的房子，用的是單位的設備，而且又是利用正常上班時間搞的創造發明，有關單位未必一定要給予獎勵，因為這是他的份內工作。但作為國家鼓勵創造發明的政策，單位應當給予有關個人適當獎勵，只有這樣才能進一步提高個人從事創造發明的積極性。所以，上例 25 原文用“必須”和“應當”，合情合理。譯文則用“must”對“必須”，“shall”對“應當”，更無可非議。由此可以看出在大陸法律條文中“必須”與“應當”之間的語義和語用區別以及翻譯中是如何用不同情態動詞加以表達的。

四、臺灣與大陸法律文獻中的其他用詞差異

我們只需先看一段臺灣法律條文就可以體察到臺灣與大陸在法律語言上的另一個顯著差異：

（一）臺灣法律文書中“之”的用法及與大陸對應詞的比較

例 26. 無行為能力人或限制行為能力人，不法侵害他人之權利者，以行為時有識別能力為限，與其法定代理人連帶負損害賠償

責任。行為時無識別能力者，由其法定代理人負損害賠償責任。前項情形，法定代理人如其監督並未疏懈，或縱加以相當之監督，而仍不免發生損害者，不負賠償責任。如不能依前二項規定受損害賠償時，法院因被害人之聲請，得斟酌行為人及其法定代理人與被害人之經濟狀況，令行為人或其法定代理人為全部或一部之損害賠償。前項規定，於其他之人，在無意識或精神錯亂中所為之行行為致第三人受損害時，准用之。A person of no capacity or limited in capacity to make juridical acts, who has wrongfully damaged the rights of another, shall be jointly liable with his guardian for any injury arising therefrom if he is capable of discernment at the time of committing such an act. If he is incapable of discernment at the time of committing the act, his guardian alone shall be liable for such injury. In the case of the preceding paragraph, the guardian is not liable if there is no negligence in his duty of supervision, or if the injury would have been occasioned notwithstanding the exercise of reasonable supervision. If compensation cannot be obtained according to the provisions of the preceding two paragraphs, the court may, on the application of the injured person, take the financial conditions among the tortfeasors, the guardian and the injured person into consideration, and order the tortfeasors or his guardian to compensate for a part or the whole of the injury. The provision of the preceding paragraph shall apply mutatis mutandis to cases where the injury has been caused to a third party by a person other than those specified in the first paragraph in a condition of unconsciousness or of mental disorder. (《中華民國民法》第 187 條)

在這一段《中華民國民法》條文中，凡屬黑體劃線部分，均有別於大陸法律文獻中的標準表述，除了上文已經論述過的由“……者”構成的臺灣法律條文中常用的條件句句型和不同於普通漢語中“得”字的特殊法律用法外，另外還有“之”、“或”、“其”、“如”、“縱”、“仍”、“令”等等，這些都與大陸法律文獻中的有關用詞有相當大的差異。造成這些差異的原因並不複雜：在大陸，由於上個世紀五十年代的漢語文字簡化運動和普通話在全國的推廣，文言中的“之、乎、者、也、餘、爾、亦、俟、惟”等等，幾乎已經完全從當代的大陸口語中消失，在書面語中也基本消失。在臺灣，雖然沒有類似大陸的文字簡化或改革運動，但隨着白話文的普及，文言中常用的“之、乎、者、也、餘、爾、亦、俟、惟”也有類似的命運。但是，臺灣的法律語言卻有例外，雖然中華民國的法律或臺灣的法律界不完全是用漢語的純文言作為其工作語言，但文言文中的常用詞仍在法律文書中廣泛使用。最主要的文言詞，除了上文在比較大陸與臺灣法律文書中常用句型異同的討論中涉及的“……者”和“得”之外，最使大陸讀者、學者感到困惑的便是“之”的其中一種用法和譯法。在臺灣的法律文書中，“之”有兩種用法；其中一種用法相當於大陸書面漢語中“的”字的最普通用法，主要譯成英文的“of”。雖然在臺灣的其他文體的寫作中，“的”與“之”字均廣泛使用，意思差別不大，其用法與在大陸的用法相同；但在法律條文中，“的”字幾乎絕跡。取而代之的是文言中常用的“之”字。在上例 26 中，除了最後一句“准用之”的“之”字外，其餘的 7 個均屬“之”字的第一種用法，即相當於“的”，表示的是後者與前者的從屬關係或前者對後者的修飾關

係，構成的是一個偏正詞組。“之”的第二種用法比較特殊，見以下各例：

例 27. 省民代表大會之組織及選舉，以法律定之。The organization of the provincial assembly and the election of its delegates **shall be prescribed by law.**（《中華民國憲法》第 112 條）

例 28. 一、省設省議會，省議會議員由省民選舉之。1. The province shall have a council, the members of which **shall be elected by the people of the province.** 二、省設省政府，置省長一人。省長由省民選舉之。2. The province shall have a government with **a governor to be elected by the people of the province.** 三、省與縣之關係。3. Relationship between the province and the hsien. 屬於省之立法權，由省議會行之。The legislative power of the province **shall be exercised by the Provincial Council.**（《中華民國憲法》第 113 條）

以上兩個例句有兩個共同特點：第一，每個句子都以“之”結尾；第二，每個句子的譯文都是一個完整的被動語態句，換句話說，構成每個被動語態句的動詞都是及物動詞。很顯然，這個“之”可以看成是代詞，指代該被動語態句的賓語，作為該有關於及物動詞的行為對象。如上述“以法律定之”，等於“以法律規定‘省民代表大會的組織及選舉’”。而“由省議會行之”，等於“由省議會行使‘屬於省的立法權’”。在將這類以“之”結尾的句子翻譯成對等的、大陸目前所用的現代漢語句時，最簡單的辦法是將該“之”忽略不計，或視如無字。如例 28 中的“省

長由選民選舉之”與“省長由選民選舉”意思上並無任何差別。從語法上講，後者是現代書面漢語中的標準表述。

在大陸法律文獻中已經不用而在臺灣仍然比較常用的文言詞還有不少。現將臺灣法律文書中常用的文言詞（包括一些特殊的常用詞）與大陸目前正在使用的對應詞列表作如下比較：

臺灣法律文獻中的常用詞	大陸法律文獻中使用的對應詞	英文譯文
者	的	A person who does sth....
得	可以、可	May/be entitled to
應	應該	Shall
須	須、必須	Shall/must
之	的	Of/it
其	他的/她的/它的	His/her/their/its
亦	也	Also/as well/too
如	如果	If/where/when/should/in case/in the event of
縱	儘管、雖然	Notwithstanding/ although
雖	雖然	Though/although
固	雖然	Though/although
孰	誰	Whom/who/whoever
惟	但是、但	Provided that, but
令	命令	Order
行	施行	Exercise/implement
倘	如果、倘若	Should/if
斯時	此時	At that moment
嗣	接續	Follow
餘/吾	我	I
爾	你	You
諉	的確	Indeed
蓋	根據	In accordance with
甫	剛剛	Awhile ago
乃	是	Be
係	是	Be
爰	於是	Thus/then
造	方	Party
堪	可以/可	May
詎	豈	How
迨	等到	Until

由上文（例 26、27、28）及上表可見，臺灣法律用詞較為簡潔、經濟，使用較多的文言詞，句式較接近古漢語句，與大陸法律目前使用的現代漢語書面語有較大差別。此外，還有一些詞，如“須、應、或、如、仍、但、雖”等，雖然並非文言詞，但由於這些詞與同義的“必須、應當、或者、如果、仍然、但是、雖然”等詞組相比，比較簡短、經濟，故前者在臺灣法律條文中廣泛使用，而後者在大陸全國性的法律條文中廣泛使用（地方一級的法律、法規、合同也傾向於使用與臺灣相同的較簡短的形式），儘管在兩岸的普通書面語或口語中並沒有這種區別，無論是其簡短的表達形式，還是較正式、完整的詞組形式，都可混合使用。

但總體上講，臺灣的法律用語，無論是在辭彙的層面還是在句子的層面，都比較接近古漢語，離普通百姓日常使用的口語和書面語都有較大的距離。雖然這與法律英語的句子結構和辭彙特點有頗多相似之處，但除了文體上較正式、風格上較嚴肅、莊重這一可取之處外，這種與實際生活脫節的語言的作用往往弊大於利：古舊的形式未必能把現代的事物或理念表達得更加準確、清晰；廣大民眾缺乏理解的法律，未必能得到最成功的實施——這與任何立法的理念或宗旨也是背道而馳的；況且，在一個民主的社會裏，人民有權以他們通曉的語言獲得一切與他們的權利、義務、責任有關的資訊，而語言不應該是其中的阻礙。

（二）臺灣與大陸法律專有名詞翻譯的比較

機構的名稱，尤其是法律條文中的常用機構名稱，可以看作是法律專有名詞的一部分。在大陸，無論是在法律文件中還是在

普通文類中，一般都採取意譯的辦法處理，少有自己的創造，如“省”、“市”、“縣”、“區”，分別譯成 province，municipality/city，county，district。其他法律機構名稱也無例外。在臺灣則採用意譯和音譯並舉的辦法。上述的“縣”就以音譯的辦法譯成“hsien”，而行政院、立法院、考試院中的“院”本來相當於英文中的 Ministry 或 Department，則音譯成“yuan”。少數民族區域的行政單位如蒙古族所用的“盟”和“旗”則分別意譯成 League 和 Banner。譯者之所對有些詞取音譯法而非意譯法，其“良苦用心”不難推測：顯然並非英文中沒有意思對等的譯入語而需要自創，主要是因為該類詞在有關的法律文件或人民的日常生活中使用過於頻繁，譯者有意想擴大自己文化的影響，認為有必要創造一些獨特的音譯新詞。但筆者認為這樣的舉措未必恰當：一個自創的新詞，除非有非同尋常的影響力（如毛澤東），或有其國際明星的實力或魅力（如 NBA 火箭隊的中國籍球星姚明）^[4]，否則它很難獲得譯入語使用者的廣泛認同。就像原中華民國的執政黨“國民黨”一樣，當時的官方譯名是音譯的 Kuomintang，而在英美世界廣為流傳的譯名仍然是意譯的 The Nationalist Party。再說，在一系列性質相同的常用詞中，對其中一些採取音譯法處理、而對另一些則用意譯法，似乎欠缺充分的理據，也難成體統。話雖如此，但我們仍然尊重臺灣法律界、翻譯界早已達成的共識。

（三）臺灣與大陸法律譯本中古舊副詞使用情況的比較

使用古舊副詞、拉丁詞和法律行話是英文法律文書的一個極為鮮明的特色。雖然目前英美法律界已不提倡使用這類將行外人

士排除在外的所謂“特色語言”，但這類“特色語言”在當今的英美法律文書中仍然大行其道。其中這類辭彙使用的頻密程度和用得得當與否，往往能反映一個法律文書撰稿人的文風及其專業教育背景。

我們可以推斷，臺灣的英譯法律文本，主要由那些在英美接受過長期法律專業訓練的法律界人士執筆完成的，而大陸的文本則往往是由專門從事翻譯工作的非法律界人士完成的。這一推斷，可以在兩岸法律譯本中有關古舊副詞、拉丁詞、法律行話（argot）等的使用區別上得到有力的支持。

這是一個眾所周知的事實：臺灣的法律翻譯人員都有在英美留學、系統學習英美法律知識的背景，因此他們往往也比大陸的法律翻譯人員更熟悉英美法律中的拉丁詞、古舊副詞和法律行話的使用，這體現在英譯文本中經常得體地使用拉丁詞、古舊副詞和法律行話這一事實上。例如：

例 29. 國民大會代表除現行犯外，在會期中，非經國民大會許可，不得逮捕或拘禁。While the Assembly is in session, no delegate to the Assembly shall, except in case of **flagrant delicto**, be arrested or detained without the permission of the Assembly.

例 30. A person of no capacity or limited in capacity to make **juridical** acts, who has wrongfully damaged the rights of another, shall be jointly liable with his guardian for any injury arising **therefrom** if he is capable of discernment at the time of committing such an act. If he is incapable of discernment at the time of committing the act, his guardian alone

shall be liable for such injury. In the case of the preceding paragraph, the guardian is not liable if there is no negligence in his duty of supervision, or if the injury would have been occasioned **notwithstanding** the exercise of reasonable supervision. If compensation cannot be obtained according to the provisions of the preceding two paragraphs, the court may, on the application of the injured person, take the financial conditions among the **tortfeasors**, the guardian and the injured person into consideration, and order the **tortfeasors** or his guardian to compensate for a part or the whole of the injury. The provision of the preceding paragraph shall apply **mutatis mutandis** to cases where the injury has been caused to a third party by a person other than those specified in the first paragraph in a condition of unconsciousness or of mental disorder. (《中華民國民法》第 187 條)

以上兩個例子中的劃線詞在大陸的所有主要法律譯本中幾乎從未出現過，在兩地的大部分供學者使用的大英漢字典（如臺灣梁實秋主編的《遠東英漢大辭典》或大陸陸谷孫主編的《英漢大詞典》）中也沒有相應的詞條解釋。如果這幾段譯文的譯者沒有在英美國家受過正規的法律教育，研讀過普通法、衡平法以及成文法的主要經典案例文獻或有關判詞，他根本不可能將有關的劃線詞語用得如此地道得體。可以這樣說，中國大陸的法律翻譯人員，在經典法律辭彙的使用方面，到目前為止仍然只達到能夠在法律文書中恰當使用以“here”、“there”以及“where”為詞根的古舊副詞的水準。由於他們接觸的經典的西方法律文獻較少，法律英語中常用的拉丁詞、生僻的保留法語詞原形或原詞序的法

律用詞、配對詞（doublets/legal pairs）、三聯詞（triplets）、重言詞（tautology）、法律行話（argot）等等，還未被譯員熟練掌握，因此大陸法律譯本所涉及的語法、句法都比較現代，譯文雖然不夠簡潔，表達不夠經典，但很少有英美法律文書職業寫手那種浮誇或迂腐的文風。由於歷史的原因，中國大陸在 1949 年至 1970 年代末期，幾乎沒有向西方國家派遣過修習法律的留學生，期間的中國也沒有完善的律師制度，所以中國大陸的法律翻譯人員幾乎都是改行而來或“半途出家”，根本談不上在英美國家接受過系統的法律教育。既然他們並非法律科班出身，所以他們不熟悉、或不諳於使用這類英美法律專用的古舊詞、行話，譯文也無“師爺”風格，是情理之中的事。同時這也解釋了為何臺灣與大陸的法律譯本中有這方面的明顯差異，因為臺灣與西方在法律人員交往方面從未間斷過，在西方接受法律教育後回臺灣從事法律教學、翻譯的人才濟濟，他們把西方法律文書職業寫手的風格和弊端一同帶進臺灣的法律譯本，也是難免的事。

正因為臺灣法律翻譯人員有較多的法律科班出身和較少的語言和翻譯專業的背景，他們在翻譯的過程留下的鑿痕也是顯而易見的。臺灣法律譯本的語法、句法錯誤甚多，就是這方面的最有力的說明。要挑剔這類語法、句法的失誤，可以說是“十言難盡”。僅在《中華民國貪污治罪條例》中就可數出數十處之多。但本章的目的並非要作翻譯批評，故在此只作簡單點評。口說無憑，我們就以上例已經引錄的《中華民國民法》的 187 條的其中一個句子為例：

例 31. If compensation cannot be obtained according to the provisions

of the preceding two paragraphs, the court may, on the application of the injured person, take the financial conditions among the **tortfeasors**, the guardian and the injured person into consideration, and order the **tortfeasors** or his guardian to compensate for a part or the whole of the injury.

這個句子中的 the **tortfeasors** 顯然指上文造成他人傷害的 “A person” 或 “he”，既然此處的當事人是單數（還可以從同句的 “his guardian” 這個短語判斷 “tortfeasor” 應屬單數），上句兩個複數形式的 **tortfeasors** 無疑是個語法疏忽。另外，如前面援引過的例子（原例 7）：

例 32. If a person has wrongfully **damaged to** the body or health of another, and caused the injured person to lose or decrease his laboring capacity, or to increase the need in living, **the tortfeasors shall be bound to** make compensation to the injured person for any injury arising therefrom. 不法侵害他人之身體或健康者，對於被害人因此喪失或減少勞動能力或增加生活之需要時，應負損害賠償責任。（《中華民國民法》第 193 條）

在這個例句中，劃線部分屬欠妥的譯法，與其在此一一品評，還不如將譯文更改如下，有識之士自然一目了然其中的訂正：

If a person has wrongfully damaged the body or health of another, and

caused the injured person to lose or decrease his laboring capacity, or to increase his need in living, **he** shall make compensation to the injured person for any **injury arising therefrom**.

可以這樣說，在眾多的臺灣法律譯本中，除《中華民國憲法》的譯本外，其餘譯本，包括臺灣的第二大法——《中華民國民法》的譯本，都有不少明顯的語法或句法上的欠妥之處或錯誤的翻譯。

五、總 結

本文梳理並比較了臺灣與大陸法律文本中使用的最基本的句型及其典型的譯法。臺灣法律文本中最基本的句型是：“……者，應＋行為動詞”（主要用在表述民事責任方面，如“應負賠償責任”），或“……者，處……刑罰”（主要用在表述刑事處罰方面，如“處××年有期徒刑”）。而在大陸，最典型的中文法律句型是“……的，應當＋行為動詞”（主要用於民事案件，如對當事人或執法人員所作的規定），或“……的，處……刑罰”（主要用於刑事案件的當事人）。與臺灣基本法律句型相應的英譯句型主要是“Any person who does sth. shall + verb ...”；其次是“A person who has done or does sth., shall + verb ...”。與大陸基本法律句型相應的英譯句型主要是“Whoever does sth ... shall + verb ...”；其次是“A person who does sth. shall + verb”。兩地在翻譯這兩種句型時還有一個共同的選擇：“If a person

does/has done sth., he shall + verb ...。

在臺灣中文法律文本中，最主要的輔助動詞（相當於英文中的情態動詞）是“應”、“須”、“得”、“不得”；在大陸中文法律文本中與之相應的輔助動詞是“應當”、“須／必須”、“可以”、“不得”。兩地中文法律文本中最大的不同體現在“得”字的使用上。在大陸，“得”只是一個在意義和用法上都相當於“必須”或“需要”的普通詞，基本上不在法律文本中使用。在臺灣，“得”字是一個使用極為廣泛、表示法律上一種許可和選擇權利的特殊辭彙。其法律上的用法與其普通書面語或口語中的截然不同。

本文的最後第二部分比較了臺灣與大陸法律文本在辭彙層面的文體差異：雖然臺灣的法律文本或臺灣的法律界不完全是用漢語的純文言作為其工作語言，但文言文中的常用詞仍在法律文書中廣泛使用。“之、者、餘、爾、亦、俟、惟”等常用文言詞在大陸的法律文本中已完全消蹤匿跡，但在臺灣的法律文本中依然滿篇皆是。

最後一部分則比較了臺灣與大陸在處理專有法律名詞方面的翻譯取向。在大陸，無論是在法律文件中還是在普通文類中，在包括法律機構名稱在內的名詞翻譯上，一般都採取意譯，少有自己的創造。在臺灣則採用意譯和音譯並舉的做法。本文最後一節比較臺灣與大陸法律譯本中的古舊副詞使用情況：由於臺灣的法律翻譯人員都有在英美留學、系統學習英美法律的背景，因此他們比大陸的法律翻譯人員更熟悉英美法律中的拉丁詞、古舊副詞及其他法律行話，更擅長這些詞的用法。這一狀況也充分體現在臺灣法律英譯文本的翻譯風格上。

注 釋

- [1] 該段的條件句成分中包含一個明顯的屬於詞語慣用法方面的錯誤：“damaged to the body”中的“to”是沒有必要的，因為“damage”本身是一個及物動詞，這很可能是譯者的一時疏忽，因為本章例 9 中有類似的譯文（“who has wrongfully damaged the rights of another”），但並不存在與該段相同的錯誤。
- [2] Henry Weihofe, *Legal Writing Style* (St. Paul, MN: West Pub. Co., 1961). 又見 Chen Zhongsheng, *Window of Legal Translation* (Beijing: China Foreign Trade Publishing Co., 1992), 164-165。
- [3] 《民事法律問題研究彙編》，第十輯，中華民國八十七年六月，臺灣司法週刊雜誌社，頁 3 及頁 435。
- [4] Maoism 已經作為一個標準詞條進入大多數的現代英文詞典；而現已加入美國休斯頓火箭隊的中國籃球明星姚明白從 *National Geographic Ultimate Explorer* 對他作了採訪，並在 2004 年 6 月 1 日、8 月 17 日的電視節目中以“From Mao to Yao”為題播出之後，他在美國已經是家喻戶曉的人物。

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作者簡介

李克興，男，1977 年畢業於浙江大學外語學院，曾任該校教育系講師，1983 年赴美留學，並於同年獲印第安那大學（Indiana University at Bloomington）理學碩士學位，1993 年獲洛杉磯加

州大學（UCLA）哲學博士學位。求學期間，在洛杉磯經營翻譯公司，曾擔任洛杉磯及紐約若干家大型律師事務所的法律翻譯，並承擔過美國當時的許多大型翻譯項目，如美國派森－洛克希德公司編制的《深圳機場可行性研究報告》、《大洛杉磯地區黃頁廣告》中文版等。在法律、商貿翻譯領域有豐富的實踐經驗。現已發表論文三十餘篇。自 1994 年起一直受雇於香港理工大學中文及雙語學系，主要教授“法律翻譯”、“商貿翻譯”、“廣告翻譯”和“科技翻譯”等應用型翻譯科目。其 600 頁的法律翻譯專著《法律文本與法律文本》（與張新紅合著）已於 2006 年 1 月，由北京中國對外翻譯出版公司出版。另有兩本法律翻譯和廣告翻譯教科書即將由臺灣文鶴出版公司出版。

再探新聞編譯的“歸化”現象

——以神盾艦軍售新聞的中譯為例

陳雅玫

Abstract

“Adaptation” in News Trans-Editing Revisited (by Chen Ya-mei)

Based on a case study of English-Chinese news trans-editing concerning the Aegis sales to Taiwan, this paper aims to examine how the differences between the source and target political contexts govern the strategies used to trans-edit epistemic modality and the types of adaptation required in the trans-edited texts. The paper first introduces the case study data and gives the brief historical background to US arms sales to Taiwan. Following this, the political differences between the source and target contexts are specified, with particular reference to the Aegis sales. Then, a comparative study between English and Chinese epistemic modalities is conducted. On the grounds of such a basic understanding of cross-linguistic commonalities and divergences, the recurrent non-obligatory shifts in epistemic modality in the trans-edited texts are pinpointed. Lastly, building upon the relationship between the identified shifts and the political differences, this paper elucidates how the political differences

constrain and govern the types of adaptation required.

一、前 言

為取得最佳傳播效益，新聞必需能最大限度地吸引讀者，並引發其閱讀興趣。為此，譯者於編譯英語新聞時，將譯語社會的角度、觀點，以及當地讀者的興趣與需要融入譯文之中，其重要性自是不言而喻。換言之，新聞編譯的精髓所在，並非嚴格忠實地再現原文，而是體現能與譯語讀者展開對話的“歸化”翻譯。

關於新聞編譯的歸化現象，過去的研究已探討過歸化過程中可運用的編譯策略，以及影響譯者取捨歸化類型的情境因素。^[1]然而，仍有兩個重要議題未見詳盡探討。編譯策略的研究皆着重於新聞的宏觀結構，如譯者可運用哪些編譯策略，對原語新聞的敘事結構與內容做調整，以編譯出適合譯語讀者的新聞。至於微觀層面的語意或結構應如何做相應的轉變，以符合宏觀層面上的歸化，則着墨甚少，此其一。情境因素究竟如何決定歸化類型尚無深入分析，此其二。先前的研究雖指出新聞產製規範、譯語新聞機構的風格與取向、譯語的社會與政治意識型態以及文化差距等皆可能影響歸化類型，但這些情境因素與編譯文所需的歸化類型之間的關連性究竟如何，並未提出具體說明。

為彌補新聞編譯研究的不足，本文擬以神盾艦軍售新聞的翻譯為例，具體說明譯語與原語政治環境的差異，如何影響微觀層面上認知情態詞的歸化類型，及其相應的歸化策略。

二、神盾艦新聞語料

本文個案研究語料如表 1 所示，皆是與神盾艦軍售相關之新聞：

No. 1	原文	Taiwan Seen Vulnerable to Attack, <i>Washington Post</i> , 31/03/00
	譯文	美國官員：軍售台灣先進武器 非常急迫，工商時報，01/04/00
No. 2	原文	Pentagon Won't Back Taiwan Deal, Radar Favored Over Sale of 4 Destroyers, <i>Washington Post</i> , 17/04/00
	譯文 1	美國可能改售台灣長程雷達系統，工商時報，18/04/00
	譯文 2	美將售我長程預警雷達 神盾艦暫緩，中國時報，18/04/00
No. 3	原文	China Lobbies to Block An Arms Sale to Taiwan, Beijing Views Aegis System As a Threat, <i>Washington Post</i> , 03/03/01
	譯文	阻美售台神盾艦 中共表樂觀，中國時報，04/03/01
No. 4	原文	China's Game Of Chicken, Editorial, <i>Washington Post</i> , 12/03/01
	譯文	對台軍售 且看布希縱橫捭闔，工商時報，13/03/01
No. 5	原文	The Taiwan Arms Decision, Editorial, <i>Washington Post</i> , 25/03/01
	譯文	美是否售台神盾 美輿論籲明確表態支持台灣 中國時報，26/03/01
No. 6	原文	Bush to Drop Annual Review Of Weapons Sales to Taiwan <i>Washington Post</i> , 25/04/01
	譯文	軍售會議變革 冷卻競武 避免每年攤牌一次 徒增爭議 中國時報，25/04/01
No. 7	原文	Warning by China to Taiwan Poses Challenge to U. S. <i>New York Times</i> , 27/02/00
	譯文	紐約時報：美考慮售台四艘神盾艦，中國時報，28/02/00
No. 8	原文	Taiwan Asks U. S. to Let It Obtain Top-Flight Arms <i>New York Times</i> , 01/03/00
	譯文 1	柯林頓可能同意台灣軍購案，工商時報，02/03/00
	譯文 2	美擬增售我其他武器取代神盾艦，中國時報，02/03/00
No. 9	原文	Military Rumbblings Over Taiwan Editorial, <i>New York Times</i> , 03/03/00
	譯文	紐約時報社論 中共威脅 不利美中關係，同時呼籲台灣不要打“神盾牌”，中國時報，04/03/00

再探新聞編譯的“歸化”現象

No. 10	原文	China Comes Calling, Editorial, <i>New York Times</i> , 21/03/01
	譯文	紐約時報：美國不宜出售神盾戰艦給台灣 工商時報，22/03/01
No. 11	原文	Secret U. S. Study Concludes Taiwan Needs New Arms <i>New York Times</i> , 01/04/01
	譯文1	美國海軍機密報告：台灣需在 2010 年前取得神盾 工商時報，02/04/01
	譯文2	紐約時報報導 美太平洋司令部實地調查 台灣需要神盾 艦，中國時報，02/04/01
No. 12	原文	U. S. May Withhold Main Radar Item on Taiwan's List <i>New York Times</i> , 18/04/01
	譯文1	布希國安幕僚 力阻售台神盾艦，工商時報，19/04/01
	譯文2	布希兩難 傾向走中間路線，中國時報，19/04/01
No. 13	原文	Weapons for Taiwan, Editorial, <i>New York Times</i> , 19/04/01
	譯文	紐約時報建議 對台軍售紀德取代神盾，工商時報，20/04/01

表 1 神盾艦軍售原語與譯語新聞語料

原文 13 篇分別收集自《華盛頓郵報》（No. 1 - No. 6）與《紐約時報》（No. 7 - No. 13），其中包含硬性新聞與社論；編譯文 17 篇則取自中國時報系底下的《中國時報》與《工商時報》。語料涵蓋時期為 2000 年 2 月至 4 月（柯林頓總統／李登輝總統時期）以及 2001 年 3 月至 4 月（布希總統／陳水扁總統時期）。

底下簡單介紹美國台軍售的歷史背景，以便瞭解其中所牽涉的權力關係。

三、軍售歷史背景

1979 年美國與台灣斷交，轉而與中國建立邦交關係。美台之

間的正式官方關係至此隨之終止。為緩和此種轉變所帶來的震驚，美國國會通過了“台灣關係法”，繼續與台灣維持非官方的關係（Hickey 1999: 6）。“台灣關係法”自 1979 年起成為美國對台軍售的依據，並明定：“美國將供應台灣必要數量之防禦軍資與服務，俾使台灣維持足夠之自衛能力。”美國允諾提供台灣足夠的防衛，展開了每年一次的對台軍售活動（Kan 2001: 1）。

1982 年 8 月 17 日，美國與中國在上海簽訂“八一七公報”。美國同意以不超過建交後的軍售水準，逐漸減少對台軍售。為了降低台灣方面的疑慮，雷根政府早在“八一七公報”公佈前一個月，已向台灣提出“六項保證”，其中與軍售相關者包括：美國承諾不設定對台軍售期限，以及不會先與中國諮商（Hickey 1999: 8；Brookes 2003: 1-2）。然而，老布希總統於 1992 年出售 150 架戰機給台灣，則是明顯違反“八一七公報”。此項軍售遭中國強烈抗議，而支持者則辯稱“八一七公報”並不像“台灣關係法”那般有法定效力（Nolt 2000）。

柯林頓政府於 1995-1996 年的台海衝突後，除了硬體的轉移之外，也開始關注軟體的技術轉移，包括戰略、訓練、後勤以及對中國武力攻擊的回應等等。此外，五角大廈也自行對台灣的國防需求進行評估。1999 年 9 月五角大廈團隊到台灣評估其空軍防禦能力，並於其後 2000 年 1 月的機密評估報告中指出台灣在遭受飛機或長程飛彈攻擊時，將面臨“許多問題”。2000 年 9 月五角大廈再針對台灣海軍進行一項機密評估，並指出台灣在 2010 年需具備“神盾”系統戰力、“紀德”級艦以及新型潛艇等（Brooks 2003: 2-3）。

2000 年起中國開始在東南沿海一帶佈署越來越多瞄準台灣的

短程導彈。台灣為了加強防衛，也着手向美國購買其最先進的海上作戰武器，即配備神盾雷達系統的驅逐艦。此項先進武器的軍售引發中國的強烈抗議，他們擔心神盾艦不僅會降低中國對台灣的導彈威脅，更可能增進美台之間的軍事合作。柯林頓與布希政府為了避免激怒中國，皆決定暫緩出售神盾艦予台灣。

儘管柯林頓與布希總統皆否決神盾艦的出售，但仍同意出售其它先進武器給台灣。2000 年 4 月柯林頓總統同意出售的武器，包括先進的空對空飛彈與“撲爪”長程雷達系統；接着布希總統則於 2001 年 4 月決定了 1992 年以來最大宗的對台軍售案，包括 4 艘紀德艦以及 8 艘柴油潛艇。同時，布希總統也以“視台灣需求進行不定期的諮商”來取代年度軍售會議（林孟雄，2003: 80；Kan 2003: 3-5）。

從上述背景簡介中可得知，本研究收集的神盾艦軍售新聞涉及了美—中—台三角關係，而其中美國與台灣各自對中國的態度以及對軍售抱持的觀點都有顯著差異，這使得原語與譯語報紙所處政治環境產生明顯區隔。此種情境差異無可避免地將促使編譯者對譯文進行某種程度的歸化，以使編譯文“符合”台灣政治環境與閱聽眾的需求。底下即針對這些政治情境差異作一說明。

四、政治情境

原語與譯語報紙於 2000 至 2001 年間所處政治情境的差異主要可歸納為兩點：（一）美國與中國並未處於敵對狀態，而台灣與中國則是互相敵對的；（二）美國對軍售抱持“模糊政策”，

台灣則無此觀點。

對於中國方面，柯林頓與布希政府皆遵循美國長久以來兩岸政策的大原則，即“一個中國”政策。此政策表示美國承認中華人民共和國是中國唯一的合法政府，並認同北京“台灣是中國一部份”的立場（Brooks 2003: 2）。柯林頓總統對中國採取全面交往的政策，並與其建立“建設性戰略伙伴關係”；而布希總統於2001年剛就任時，不再將中國定位為“戰略夥伴”，而是“戰略競爭者”，不過並非屬於不可和解的敵人（王宿農，2003: 80）。

相對的，台灣於李登輝總統第二任期以及陳水扁總統剛上任時，皆不認同中國的“一個中國”原則。“一個中國、兩個對等政治實體”的基本架構是李登輝總統時期的兩岸政策，其中“一個中國”指的是“歷史上、地理上、文化上、血緣上的中國”，而非中華人民共和國（行政院大陸委員會，1994；張讚合，1996: 290-293）。陳水扁總統就任後，則是進一步否定中國的“一個中國”原則，以及中國歷史與文化是台灣遺產的說法。相反地，他倡導“新台灣人”的觀念，並公開表示他認為台灣是一個主權獨立的國家（林孟雄，2003: 78-83；Dumbaugh 2005: 3-8）。由此可推知台灣與中國在此時期內，政治層面上是相對立的。敵對的狀態更可從第三節中提到的中國部署導彈以提高對台軍事壓力的現象看出端倪。此外，中國也於2000年2月21日公佈“一個中國原則與台灣問題”白皮書，其中更提及了以武力促成統一的武力犯台前提（朱維瑜，2000: 772-778）。

在對台軍售方面，柯林頓與布希總統一致採取“戰略模糊”的政策。換言之，美國承諾中國減少對台軍售，但仍舊依照台灣關係法對台進行軍售（王宿農，2003: 80）。此外，美國對其欲出

售的武器與移轉的技術也是保持模糊態度。台灣關係法第三條中僅簡單闡明：“美國將供應台灣必要數量之防禦軍資與服務，俾使台灣維持足夠之自衛能力”（Dumbaugh 2005: 3）。然而，台灣並未奉行此種“戰略模糊”政策，每年年度會議之前，台灣即由國防部提出一份官方的軍購清單，詳列 5-15 項欲向美採購之主要項目，其中包括硬體、科技轉移，以及專業軍事教育等（Kan 2001: 4）。

瞭解原語與譯語報紙所處政治情境的差異後，下一節將探討個案研究中情態詞的編譯所採用的歸化策略。第六節則進一步分析這些歸化策略與政治情境間的關連，以說明政治情境因素如何決定認知情態詞的編譯策略所欲達成的歸化方式。

五、認知情態詞的編譯

本文所探討的情態詞僅限認知情態詞，而詞類則鎖定情態動詞與情態副詞。所謂認知情態詞指的是，說話者對一個命題為真的可能性所抱持的觀點或看法，含有猜測與臆斷的意味，例如“也許”、“必定”（Simpson 1993: 48）。要探討認知情態詞的編譯採用了何種歸化策略，須從情態詞在譯文中產生的轉換着手。然而，並非所有認知情態詞在譯文中的改變都是為了達成譯文中所要求的歸化類型；有些改變是基於中英文認知情態詞的語言差異，屬於語言結構必然的轉換現象，與歸化無任何關連。為了能清楚辨別譯文中情態詞的轉換是基於歸化要求，必須對中英文情態詞的異同點有所瞭解。

(一) 中、英文認知情態詞對比

中英文認知情態詞的異同點如表 2 所示，此項對比是依據 Halliday (1976, 2004: 146-150) 對英語認知情態詞所做的系統語言學分析，以及 Zhu (1996) 與 Halliday and McDonald (2004: 339-342) 對中文認知情態詞所做的相應分析整理而成：

情態詞 程度		情態副詞			情態動詞		
		肯定	直接否定	轉移否定	肯定	直接否定	轉移否定
中	英文	probably	(be) probably not	(be) not probably	will would	will (be) not would (be) not	won't (be) wouldn't (be)
	中文	大概	大概不		會		不會
高	英文	certainly	(be) certainly not	(be) not possibly	must	must (be) not	can't (be) couldn't (be)
	中文	一定	一定不				不可能
低	英文	possibly	(be) possibly not	(be) not certainly	can/could may/might	may (be) not might (be) not	needn't (be)
	中文	也許	也許不	不一定	可能	可能不	

表 2 中英文認知情態詞的對比

由表 2 可看出中英文認知情態詞依據可能性的多寡又可區分為高、中、低三類。然而，即便是最高程度的認知情態詞，例如中文的“一定”，仍舊表示說話者對命題的真實性有些微懷疑。試着比較“他一定睡着了”與“他睡着了”兩個句子，我們只有從第二個句子才能看出說話者完全確信“他睡着了”這個命題的真實性。換言之，唯有在未使用任何認知情態詞的情況下，說話者對命題的真實性才是百分之百確認。

雖然中英文的認知情態詞在可能性方面都可區分為三類，但中文卻不似英文那般完整。換言之，英文無論是情態副詞或情態動詞的肯定、直接否定或轉移否定類型都涵蓋了高中低三類，而

中文卻只有情態副詞的肯定與直接否定類型涵蓋三類不同程度。

由於中英文認知情態副詞與動詞並非完全對應，因此在英翻中過程中難免產生語言差異而導致的轉換現象。舉例來說，由於中文裏沒有表達高可能性的肯定情態動詞，因此在翻譯英文的 *must* 一詞時，便需使用中文的情態副詞“一定”來替代。此種詞類上的轉換是語言結構的必然性改變，並非為達成歸化所做的轉換。下節討論認知情態詞的歸化策略時，將不考慮這類必然性的轉換現象。

（二）認知情態詞的歸化策略

將個案研究中的編譯文與原文相對照後，歸納出兩種認知情態詞的編譯經常使用的歸化策略：（1）刪除原文中的情態詞；（2）以可能性較高的情態詞置換原文中的情態詞。

上述兩種策略使用的時機主要有三。底下將詳述各種使用時機，並自個案語料中舉例說明。

首先，當原文中含有認知情態詞的句子所表達的是有利台灣的論點時，譯文通常將原文中的情態詞刪除。底下舉出三個相關實例：

例 1：No. 2

原文：... the Pentagon **will** recommend a comprehensive study of Taiwan's naval defense needs, which **could** lead to future sales of some or all of these weapons.

譯文 1：國防部開出的條件是，針對台灣海軍防衛需要再做一全面檢討，以做為未來出售該些項目之評估參考。

譯文 2： 五角大廈……主張針對台灣海防所需，進行全面研究評估，以決定未來台灣需要的軍備。

例 2：No. 4

原文： Taipei for years has sought approval for the Aegis air-defense ... and the PAC-3 anti-missile system. ... Both **would** help Taiwan meet the threat of China's short-range missile arsenal deployed across the Taiwan Strait.

譯文： 台北多年來尋求美國出售神盾艦及愛國者三型反飛彈系統，兩項目都有助於台灣對抗中國部署於對岸的飛彈威脅。

例 3：No. 10

原文： Some conservative Republicans argue that selling the Aegis and other advanced weapons systems **would** give Taiwan confidence to negotiate a peaceful resolution of its differences with Beijing.

譯文： 部分保守派共和黨員主張出售神盾艦及其它先進武器，予台灣和北京談判尋求和平解決紛歧時的信心。

例 1 取自《華盛頓郵報》的原文使用了二個情態詞 will 及 could，分別表示關於國防部是否建議對台灣海防進行評估，以及這樣的評估是否成為未來軍售的依據，《華盛頓郵報》並未百分之百確定。相對地，取自《工商時報》（譯文 1）與《中國時報》（譯文 2）的譯文則刪除此 2 個情態詞。換言之，原文中存在的
不確定性，在譯文中已完全被去除。

《華盛頓郵報》在例 2 的原文中提到神盾艦以及愛國者三型反飛彈系統兩項武器為台灣帶來的優勢。情態詞 *would* 的運用表明《華盛頓郵報》對此優勢存有些許疑惑。《中國時報》的編譯文同樣將情態詞 *would* 刪除，呈現出對兩項武器優勢的篤定態度。

例 3 的《紐約時報》原文也使用了情態詞 *would*，顯示《紐約時報》認為，即便部份共和黨員覺得軍售可以給予台灣信心，不過他們的態度中仍舊存在些微不確定性。相反地，藉着將情態詞 *will* 刪除，《工商時報》的譯文則傳達出共和黨員完全篤定軍售能給台灣信心。

其次，當原文中含有認知情態詞的句子所表達的語意與特定武器的出售或攻擊能力相關時，編譯文也會將原文的情態詞刪除。茲舉 3 個例子說明之：

例 4：No. 2

原文： The Pentagon **will** recommend against the diplomatically explosive sale of four Aegis destroyers to Taiwan.

譯文 1： 美國國防部建議延遲出售台灣四艘神盾級驅逐艦。

譯文 2： 美國暫不出售神盾級驅逐艦給台灣。

例 5：No. 11

原文： Some liberal critics have complained that the Aegis **would** have an offensive capability because it **would** be armed with Tomahawk land attack cruise missiles.

譯文 1： 部分自由派批評，神盾艦配有戰斧巡弋飛彈，具有攻擊能力。

譯文 2：一些自由派的批評者認為，“神盾”艦因配有戰斧巡弋導彈，因此它具有強大攻擊能力。

例 6：No. 12

原文：... before the system is up and running, which **could** take eight years and more ...

譯文 2：“神盾”系統送交台灣直到部署就緒尚需八年時間……

例 4 至例 6 皆是有關神盾艦出售事宜或其攻擊能力。每個例子中的原文皆使用了情態詞如 will、would、could，顯示出《華盛頓郵報》（例 4）與《紐約時報》（例 5、例 6）在軍售武器的相關議題方面，增添了些許模糊的色彩。然而所有編譯文對這些情態詞都未加以保留，使原有的模糊色彩不復存在。

最後，當原文中含有認知情態詞的句子與中國對美國的負面回應相關連時，譯文通常以另一個可能性較高的情態詞來置換，或是將原文的情態詞刪除。茲舉 4 個例子說明之：

例 7：No. 2

原文：The Chinese government, which strongly opposes the U. S. deployment of a national missile defense system or theater missile defenses for Taiwan, **might** be upset by the sale of the radar.

譯文 2：但是中共強烈反對美在台部署“戰區飛彈防禦系統（TMD）”，因此如果美出售長程預警雷達給台灣，必招致中共不滿。

例 8：No. 3

原文： A sale **would** show us the Bush administration does not care about a strategic relationship between China and the United States.

譯文： 出售神盾級軍艦給台灣……顯示布希政府不重視中美間的戰略關係。

例 9：No. 4

原文： If Bush ... avoid a confrontation with Beijing over Taiwan arms sales this year, Chinese leaders **could** conclude that he won't stand up to them when a real crisis comes.

譯文： 如果布希……避免在對台軍售上和中國起衝突，中國將斷定當真有危機發生時，布希無法立足來對抗中國。

例 10：No. 7

原文： Beijing has warned Washington that providing the destroyers **could** be “the straw that breaks the camel's back.”

譯文： 中共曾警告華府，如果美國出售台灣神盾級驅逐艦，將是“壓斷駱駝背部的最後一根草”。

例 7 中《華盛頓郵報》的原文使用了可能性較低的情態詞 *might*，顯示該報認為中國對美國出售長程預警雷達會有不滿的可能性並不高。《中國時報》的譯文並未採用與 *might* 程度相當的中文情態詞“可能”，而是以另一個高確認度的情態詞“必”來取代。此種置換使原文裏中國負面反應的可能性由低轉而為高。

在例 8 裏，《中國時報》譯文則是將《華盛頓郵報》在原文中所使用的情態詞 *would* 刪除，使得原文裏《華盛頓郵報》對中國負面回應所存在的些許質疑完全消失，轉而傳達出對中國負面想法百分之百的確認性。

例 9 與例 10 的原文都採用情態詞 *could*，分別表示出《華盛頓郵報》與《紐約時報》對於中國是否對布希總統抱持負面看法，以及軍售是否會嚴重激怒中國，都秉持最低的確信度。而此兩例中的譯文則未以相同程度的中文情態詞“可能”來翻譯原文的 *could*，反而是以“將”來代替。此處的“將”可解釋成單純未來式的表示法或是情態詞的用法。把“將”看做是未來式的表達法時，意味着譯文把原文的 *could* 直接刪除了。而把“將”當成情態詞時，它則是與表達中度可能性的“會”類似。無論“將”作何種解釋，譯文中對中國負面作為的確認度都比原文來得高。

六、政治情境差異與歸化方式的關連性

上一節探討了情態詞的歸化策略以及運用的時機。本節首先分析這些策略的運用與政治情境差異之間的關係，之後再根據這些關連性，探討情境因素如何決定譯文中所需達成的歸化類型。

在第五節編譯策略運用的前兩種時機中，《華盛頓郵報》與《紐約時報》採用情態詞的現象，顯示出此兩家報紙皆遵循着美國政府在軍售方面的“模糊政策”。因此原文裏對於軍售提供給台灣的優勢，以及是否出售神盾艦等都加上了模糊色彩。相反地，譯語報紙《工商時報》與《中國時報》所處的政治環境並不

存在軍售的“模糊政策”。因此大體上而言，譯文中會將原文裏所使用的認知情態詞刪除，以排除模糊性。就軍售對台灣提供的優勢而言，將模糊性去除，可強化台灣進行軍購的正當性與必要性。而就神盾艦議題而言，譯語報紙可能認定以台灣身為買主的角色而言，譯語閱聽眾會希望知道最終的決定如何，以及該武器的特定性能。模糊性的存在，令人無法對此武器的軍售做出較準確的正面或負面評價。

至於在第三種編譯策略使用的時機中，原語報紙採用可能性最低或中等的情態詞，可能是為了避免對中國出現挑釁意味。原語報紙所處的政治環境中奉行“一個中國”政策。此外，無論在柯林頓或布希政府時期，中美都不是處於敵對狀態。原語報紙認同美國政府欲在美中與美台關係裏取得平衡，以維持國家最佳利益的作法，因此採用較保留的說法，來描述中國可能的負面行為。相對地，2000 至 2001 年間台灣與中國無論政治與軍事方面都是敵對的，而中國一直以來也都是台灣對美軍購的最大阻礙。譯文中以表達高可能性的情態詞來置換的作法，能突顯出中國對美國所保持的不友善態度，從而加強美國對台軍售的合理性。

依據上述討論的情態詞轉換與譯語政治環境間的關連性，本文整理出政治情境的差異所帶來的兩種歸化類型要求：（一）清晰性（clarity）和（二）我族／他者二元對立性（polarization）。

譯語政治情境中不存在“模糊政策”，為使譯文符合譯語文化，譯語報紙將譯文朝着清晰方向進行歸化，因此原文中一些對軍售議題傳達模糊性的情態詞在譯文中皆被刪除。

另外，由於台灣與中國處於敵對狀態，為突顯中國的負面特質，譯語報紙將譯文朝着我族／他者二元對立的方向進行歸化。

據 Teun A. van Dijk (1998: 33) 指出，此種二元對立性的主要特徵為：強化我族的正面特質與他者的負面特質，以及減緩我族的負面特質與他者的正面特質。為達此種二元對立的歸化方式，原文裏中國負面作為的可能性到了譯文中皆被大幅提升，以強化中國的負面特質。

七、結 語

新聞編譯是以譯語文化以及譯語閱聽眾為依歸的活動，如何決定歸化類型與相應的歸化策略，以編譯出合適的譯文，成了一項重要課題。不同新聞事件的編譯，會因其涉及的情境因素不同而產生不同歸化類型與策略的要求，因此本文特以神盾艦新聞的編譯為例，期能為新聞編譯研究者與實踐者提供些許拙見，說明在一特定新聞事件的編譯中該如何分析情境因素、歸化類型，以及歸化策略之間的關連性。

注 釋

- ^[1] 新聞編譯的先前研究包括：Fujii (1988)，Vuorinen (1997, 1999)，Hursti (2001)，李德鳳 (2001)，鄭寶璇 (2002, 2004: 91-122) 以及 Sidiropoulou (2004: 21-56) 等。

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History, Thought, and Translation (II): “The Deep Sediments of Past Translations” [1]

Leo Tak-hung Chan

Abstract

In the present essay, a sequel to “In the Tradition of Sinological Translations” in Issue no. 43, the translator of Ge Zhaoguang’s two-volume History of Chinese Thought discusses the mapping of philosophical concepts across languages – Chinese and English, in this case. The wide variety of choices made available in the course of over two hundred years of sinological translation paradoxically makes the translator’s task more complicated and unwieldy: he does not work in a vacuum, but rather has to constantly decide which translations to accept, and which to reject. There is, apparently, little hope of seeking to do anything else than adhere to conventions. Yet there is one convention that perhaps deserves to be privileged over others – the use of transliterations. Such an approach may also be a viable way of standardizing the terminology used in English translations of Chinese concepts. Appended to this essay are Sections 2 and 3 of the “Introduction” in Ge’s book. In these sections, Ge elaborates on the differences between a history of “knowledge” and a history of “thought,”

then presents his view on how the concept of "Dao" is related to those of "Heaven," "Man," "principles" and "techniques." The translation has been edited and considerably shortened by the author.

Against the dearth of sustained discussion on the issues of philosophical translation, two recent essays stand out by virtue of their careful consideration of the problems of translating from non-European texts, including those of China. Though the translation of philosophical terms may not have been the central focus of either article, the two authors nevertheless commend (or critique) certain translated terms as less than desirable, for one reason or another. The first of these articles, Jonathan Rée's "The Translation of Philosophy" (2001), makes bold differentiations between translations of philosophical texts within the European tradition on the one hand, and translations of non-European works into a European language on the other. After an extended analysis of English translations of terms in German (such as "Ethik," "Dasein" and "Geist") and French (such as "difference" and "réalité humaine"), Rée notes that intra-European philosophical translation often makes vocabulary in common use look exotic, the most illuminating example being "existence" (for "Dasein"). By contrast, philosophical terminology used to render concepts from the non-Western cultures of China, India and Africa often has the effect of turning what is foreign into the familiar. This is essentially due to the considerable flexibility in the mapping process whereby terms in Chinese, for instance, are matched with those in English. One unfortunate consequence of this is that "thinkers from the remote traditions, instead of appearing strange, are reduced to obvious and predictable routines" (Rée 2001: 246).

In a way, the second essay, Wiebke Denecke's "Disciplines in

Translation” (2006), carries on this discourse about the rather awkward, or indeed downright unsatisfactory, way in which philosophical terms in Chinese are handled by European translators steeped in Western traditions. The prevalent tendency has been for these translators to interpret Chinese concepts with recourse to comparable ones in the West, such as “humanism,” “skepticism” and “mysticism” (Denecke 2006: 28), which would have been as distanced from the mind of Confucius (or of his followers) as could be imagined. Implicit in such translations is a Eurocentric belief in the universality of ideas, ignoring how they actually originated in a specific cultural context; there is also a wish to “ensure the compatibility of the world’s thought traditions and their representation in a coalescing horizon of globalisable human values” (2006: 28). In tandem with the gradual shifting of interest from comparative philosophy to comparative intellectual history—something evinced also by Ge Zhaoguang’s *History of Chinese Thought*—Denecke suggests an alternative to more conventional ways of translating the “Master Texts” of the Chinese tradition. Couched in terms deployed by Rée, Denecke argues against the tendency to over-domesticate Chinese philosophy, favoring a method whereby the non-West can represent itself in the context not of philosophy but of a “science of wisdom” (2006: 33).

These suggestions have profound implications for future translation practice. Yet queries might be raised as to whether such an approach is seriously practicable, since obviously we cannot do away with all existing translations of philosophical terms and start anew. As Rée observes, intra-European translations are necessarily constrained by a generally acknowledged tradition of paradigmatic philosophical texts and “past linguistic interactions, which authors will have expected their readers to recognize” (2001: 246). It is equally true, with regard to the translation of Chinese philosophical writings, that the translator can only move within parameters set by his predecessors. The translations of Chinese

philosophy into English over the past two centuries have become established as a corpus within which future translators, whatever their personal preferences, will have to work. The way the “past sediments” affect new translations is seen in the fact that certain terminology is still in general use (e.g., “five elements,” “ritual” and “ether”), even though some renderings have actually been proved erroneous. Eminent translations of Chinese philosophical concepts found in the works of James Legge, Joseph Needham and Derk Bodde, among others, have formed an integral part of the discourse on Chinese philosophy in the West. Some of the translated terms they have introduced have in fact entered common parlance, and are not likely to be erased easily.

Despite the tenacity of such domesticated renderings, it should nevertheless be remembered that transliteration too has played an important part in the translation of Chinese philosophy. Indeed, in the course of the last century, many of the transliterations of Chinese philosophical terms have gained great currency and become favored over literal and non-literal translations. They remain the exotic elements that both Rée and Denecke have found to be generally missing in translations from the non-West. Even readers with a modicum of knowledge about Chinese philosophy will have encountered terms like “*qi*,” “*Dao*,” “*taiji*,” “*yin*” and “*yang*,” and should have little difficulty grasping their meanings. In the face of the bewildering multiplicity of translations ranging from “ether” to “air,” “vapor,” “vital energy,” “matter” (Wright 1965) and “pneuma” (Needham 1959-1994), there is justification for choosing the more direct and easy-to-remember transliteration *qi* as a rendition of “the vital élan that both keeps us alive and envelops us as atmosphere” (Huang 2001). While many sinologists have preferred “the Way” (Waley 1958) or “doctrine,” evidently “*Dao*” is now the universally accepted translation for a term that is the “designation for the whole” (Ames and Hall 1987). Another well-known case is that of *yin* and *yang*: even as

recently as 1999, *yin* has been translated as “negative principle” and *yang* as “positive principle” (Lynn 1999), yet neither of these translations has caught on, owing to the widespread use of the transliterated forms, among even lay readers. The awkwardness of not transliterating *yin-yang* is made apparent in Needham’s rendition of the *yin-yang* school as “the School of Naturalists”—a blatant example of what Rée and Denecke would have deplored as over-domesticating.

Clearly, we need to take another look at several English translations of Chinese terms that have become fossilized, or at least so ubiquitously accepted that alternatives might not be thought necessary. “Righteousness” has been widely used in place of *yì*; “benevolence” substitutes for *rén*; “ritual” is often assumed to be the only feasible translation of *lǐ*; whilst all too frequently, *jūnzǐ* is simply the “gentleman,” regardless of the possible cultural echoes that the latter may evoke. But dissenting voices have been raised as well: certain scholars, for instance, have argued that “rightness” is preferable to “righteousness” (Huang 2001), “humaneness” to “benevolence” (Defoort 2002), “etiquette” to “ritual,” and “exemplary person” to “gentleman” (Ames and Hall 1987). The constant surfacing of new translations for old concepts does seem to provide proof that each age demands its own retranslations of the masterworks. The problem, though, is that the common reader will continue to be mystified, and one does not quite see why the variant translations are necessary for the academic experts who are already well-versed in the discipline, except in assisting them to elaborate their arguments or pursue their agenda.

Debates concerning the appropriateness of variant translations, the relative advantages of one translation over another, whether more than one translation should be used for the same Chinese term (see Hansen 1992), etc., have been recurrent; no end to such debates seems within sight. Tentative attempts to standardize the translations have also

proceeded apace (e.g. Ryden 2002; Wu 1986), but “authoritative” or “definitive” translations have not yet emerged—and possibly never will. Many of the issues involved are still unsettled, the most prominent being the choice between “phases” (denoting change and fluidity) or “elements” (denoting stasis rather than motion) as renditions of the *xíng* in *wuxing*. Again, should “nothingness” or “non-being” be used in rendering *wu*? Is “nature” or “naturalness” the better translation for *ziran*? Should we call the *fangshi* “masters of esoterica” (Campany 2002), “masters of occult arts” (von Glahn 2004) or “masters of the technical arts” (Defoort 2002)? Invariably, the transliterations provide a way out of the impasse; the crucial thing is how they can be popularized. In the translation of Ge’s *History*, the present translator opts for a transliteration rather than a literal or free rendition whenever possible. Whether this will eventually help, as Denecke puts it, to “balance [...] the global and universalized and the local and particular” (2006: 31) is for the readers to judge.

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❧ *The Translation* ❧

I.2. History of Knowledge and History of Thought

In the 1990s, when I was writing this book, the most fervently debated issue in academia was “scholarship” vs. “thought.” This was a subject both old as well as new. It was old because it was in a direct line of descent from the Han Learning vs. Song Learning Debate in the Qing, the Zhu Xi vs. Lu Jiyuan Debate in Song times, and even the centuries-old Chinese antithetical scholarly traditions of “acquiring knowledge” (*daowenxue*) and “revering moral character” (*zhundexing*). It was new because at the time there were conflicting concerns about

inheriting from tradition vs. reaching out to the world, pursuing knowledge vs. expressing oneself, and emphasizing the past vs. focusing on the present. Nevertheless, I insist that knowledge and thought are decidedly different, as are the foci of their respective histories. It is for this reason that in 1990, I wrote *History of Scholarship and Thought*. Yet I do not believe that either can exist independently of the other. Thus, in writing this history, I considered a related question: how should the history of scholarship interact with intellectual history? How should we understand the relationship between knowledge and thought? In other words, how does an intellectual history unfold? How does “knowledge” lend support to ideas while “thought” seeks to explain the world of knowledge?

I

At the very beginning, knowledge of the cosmos and history constituted the foundation of ancient Chinese thought. From Chinese understanding and experience of celestial phenomena was constructed the ancient Chinese knowledge of cosmic space. This in turn furnished the technical and experiential rationale for the world of thought. Heaven was round and Earth square, with the former covering the latter like a hemisphere. There were Heaven’s apex and Huangdao, and there was a geographical center plus four directions. *Yin qi* and *yang qi* were of distinct domains. The polar axis was at the heart of the vault of Heaven; the Chinese nation was at the center of the world; the capital was at the center of a country; and the royal palace was the heart of a city. Everything extended symmetrically. Quite incidentally, Joseph Needham (in *Science and Civilization in China*) and Mircea Eliade (in *A History of Religious Ideas*) both pointed out that, through symbols, allusions and related rituals,

ancient astronomical knowledge in China conveyed to men a presumably accurate spatial configuration that conformed to natural laws. It gave them a rational intellectual foundation on which many ideas could be linked up and harmonized. Using the historical imagination, together with memories of the past, the Chinese people through the ages have constructed their knowledge of historical time. Such knowledge provides time-honored, sanctified proof to the intellectual world. From the beginning the ordinary people have always known that anything datable to the ancient past is legitimate and rational. Thinkers seek historical proof that carries weight, proof that is not decorative or just remembered. Events of earlier kings and dynasties can be relied upon as a means of conferring significance.

This was the case even in pre-Qin times. Through secret transmission and actual use, such knowledge gradually became crystallized in practical techniques. At the same time it was rationalized and accepted by the public, taught openly in schools, and turned into canonical modes of thinking. The earliest Chinese examples of such knowledge are astrological and calendrical calculations, ritual protocols, medicine and technical arts. Astrological and calendrical calculations utilized knowledge of the cosmos; ritual protocols involved knowledge of the reordering of human society; and medicine and the technical arts made use of insight into the human body. These then became fields of study—divination, ritual and music, and technical arts—subsequently leading to the development of *yin-yang*, Huang-Lao, and Confucian and Legalist thought. Before the early ideas became clearly segregated, we can still see a great deal of interaction between, and mixing of, knowledge and thought. Similarly, different kinds of knowledge are found in the classics. Before the Han, the six classics were canonized as repositories of truth and knowledge. They were not only the glorious and time-honored texts of the First Kings, but were also rich in content and susceptible to a

multiplicity of interpretations. According to the Preface by the Grand Historian in the *Shiji* (Records of History), the Five Classics contained information about Heaven, Earth, *yin-yang*, the four seasons, the five elements, economics, ethics, mountains and rivers—even animals, flora and fauna. They embraced not just spiritual but also cosmological, political and social aspects of life.

II

Of course, we need to consider more than just the beginning of our intellectual history. The accumulation of knowledge is sometimes a pre-condition for the acceptance of certain ideas, while permutations in knowledge presage changes in ideas. For instance, in discussing Wei-Jin metaphysics, we can see that, behind the apparently abstruse philosophical discussion, there was a complicated historical background to the knowledge involved. Rarely noted by researchers is precisely the intellectualism fostered by the Eastern Han preference for “broad learning” (*boxue tongru*), leading to an expansion in resources available. The expansion of knowledge had the direct result of undermining the sole authority held by the Confucian classics. A proposition like “nature and the Dao of Heaven,” which the Confucians did not deign to study in depth, instantaneously became a loophole to be penetrated by the various schools of thought. It was in a situation like this that the thought of Laozi and Zhuangzi became an intellectual resource at the time, and Buddhist classics focusing on Buddha-nature were avidly read. In another instance, the Buddhist Revival was quite an important phenomenon in the late Qing. But why a revival? An important reason was the sudden de-legitimization of traditional cosmological explanations and sociological knowledge during a time of great change. People were eager to hold on

to a form of knowledge that could counter Western thought and breed renewed confidence. It would also provide a resource for explaining the world effectively, as in the West. Thus, Buddhism played that role temporarily. But its revival had the unexpected effect of opening the door to the incursion of Western learning and it initiated momentous changes in the intellectual history of late Qing and early Republican times.

The history of the advancement of knowledge is usually slow-paced. Of course, in such a generally uneventful history, there are significant events. In the final analysis it is through a process of accumulation of knowledge and experience, of precise description and expression, and of practical experimentation and production, that their considerable influence can be more easily perceived. Thus, histories of knowledge in general are not comparable to intellectual histories formed from a string of pre-eminent thinkers: they contain fewer irregularities and disruptions. But such a knowledge background does underlie the turbulent, enigmatic events in intellectual histories. Without the support of knowledge systems, ideas do not have a context.

III

By “knowledge” is meant not only operational knowledge in areas like divination and shamanism, or verbal knowledge seen in annotation and recitation of the classics, but also the ability to conduct rituals, understand life situations, transmit the techniques of production and classify the multitude of suitable things. In his entry in the *International Encyclopedia of Social Science* (1972), Crane Brinton says that, broadly understood, an intellectual history is a “retrospective sociology of knowledge.” He does not elaborate on this, but I believe that it is so because much thought content related to the cosmos, the society and

man is in fact extracted from knowledge about them. By retracing the background of knowledge, an intellectual history can broaden one's horizon, for one has to work with a wider range of documents and materials as resources for explanations.

This needs little more proof or justification. The intellectual historian can receive much inspiration by looking closely at the evolution of knowledge. From medicine, pharmacology, health techniques and acupuncture, he can find explanations for the traditional Chinese view of "Man." From the concepts of the "cosmic board," etc., he can explain the ancient Chinese view of "Heaven." From geomancy, he gains a new perspective on "Earth." However, on further exploration he will find that there are certain neglected areas of knowledge which have a rich thought content. For example, in an article, Feng Jiren discusses the layout of the royal mausoleum of the Northern Song emperors at Zhuyi in Henan. Its orientation, the arrangement of the emperor's and empress's tombs with respect to those of other members of the imperial family, and the underlying *yin-yang* ideas this reflects, show that the evolution of "general knowledge, thought and beliefs" in the Northern Song and the knowledge base for Northern Song official ideology can be analyzed in an intellectual history. Then there is the example of the Han bamboo slip *Suanshu shu* (Book of Calculations) unearthed at Zhangjiashan in the 1980s. As material for a history of mathematics, it bears no relationship to intellectual history. But if we look at the rise in importance of books like the *Jiuzhang suanshu* (Nine Mathematical Problems) which deal with practical computation, as opposed to the declining influence of books like the *Zhoubei suanjing* (The Zhou Sundial: Classic of Calculations) which focus on astrological calculations, we can ask whether the ancient Chinese intellectual world can be better understood from a study of new materials like the *Suanshu shu* in the early Han.

The knowledge of different historical periods, the different channels

of its transmission, the interests of different strata of society—all these involve different kinds of thought. A richly imaginative world of thought is created against the supporting knowledge background. Thus, when we treat the history of knowledge as the explanatory background for an intellectual history, we need to pay attention to more issues, including knowledge as a system, levels of knowledge, and paths of dissemination of knowledge. This intellectual history will then become more real and lively. For example, issues considered in a history of education can be incorporated into an intellectual history. What teaching materials were used in private schools? What were the contents and evaluative criteria of the examinations? These can provide the background to intellectual history, because thinkers grow up in a context of everyday usage, and this daily usage constitutes the most obvious background knowledge. If we include knowledge as part of intellectual history, then, early childhood education, learning environment and regional culture are subjects worthy of investigation. Further, issues pertinent to a history of technology can be included in a history of thought. Printing techniques and methods of paper production, which earlier scholars have noted, can provide the crucial background to an intellectual history. In fact, from the earliest things to be printed—calendars and portraits of the Buddha—we can see the thought and knowledge orientation of Chinese society at the time.

Undeniably, these views of mine were accidentally stimulated by the vast amount of material on divination and the technical arts uncovered by archaeologists in recent years. They provided the condition for rethinking the relationship between knowledge and thought. For example, a lifting of the “curtain” separating the realms of knowledge and thought is made possible with the new clues found in Yinqueshan, Fangmatan, Shuihudi, Mawangdui, Zhangjiashan, and so on. Among the silk manuscripts and bamboo slips, there actually is a great deal of information

pertaining to shamanistic and divinatory knowledge and skills. This makes us reconsider the real picture of the ancient Chinese world of thought. The intellectual history of China will probably be the first of many areas of study that have to be “rewritten.”

IV

These ideas slowly became clear to me around the early 1990s. I was re-reading the second volume of Joseph Needham’s *Science and Civilization in China*—in the new translation published in 1990 by the Kexue Publishing House and the Shanghai Guji Press—against the Japanese translation of Alfred Forke’s *The World Conception of the Chinese*. It occurred to me that there must be certain relationships between experience, knowledge and techniques on one hand, and thoughts about the cosmos and human society on the other. For instance, knowledge about the Pole Star provided an explanation for astronomical matters and the basis for calendrical calculations in ancient times. Through imagined symbolic associations, it also gave rise to myths supporting certain beliefs and helped explain the cosmos. But how can an intellectual history describe these relationships? In the long course of historical development, ideas may have become detached from their knowledge base and acquire an independent existence as systems. Can succeeding generations reconstruct these relationships?

It was when I was preoccupied with these questions that Li Ning showed me the draft of his highly inspiring book, *Zhongguo fangshu kao* (An Enquiry into the Esoteric Arts in China) and invited me to write a review. In my review, I noted that there was, in the West, an “axial age” during which humanistic thought, abstract philosophy and the practical sciences gradually became separated from the original undifferentiated

monolith in which deities and men were inseparably linked. In ancient China the separation had never been as complete as that in the Greco-Roman world. The three branches remained entangled, as it was during the primeval Age of Non-differentiation. But a slit in the “curtain” allows us to glimpse how things came to pass. The “curtain” that I am speaking about here is the division between knowledge and thought. After thought had been distilled from knowledge, thinkers would no longer acknowledge the link, trying instead to conceal the knowledge background. Such was the case of Confucianism. After becoming a school of thought, it gradually forgot its original links to ritual and music, and both of them became intellectualized. Later writings, in retracing the history of Confucianism, made it appear as if Confucianism had simply been about ethics and morality from the very beginning. In particular, the concept of “the unity of Heaven and Man,” often discussed by later generations, was gradually dissociated from its astrological knowledge background when it became a political ideology. This separation of knowledge from thought has created a rift between the history of knowledge and the history of thought.

Fortunately, this schism was not pronounced, and we can still discern the knowledge base, though it has become distant and fuzzy.

I.3. Dao, the “Ultimate Basis”

I

In the Mawangdui tombs excavated in the 1970s there is a famous T-shaped silk scroll on which the triptych of Heaven, Man and Earth is presented in three sections, one above another, propped up by the raised hands of a hideous figure at the bottom. This reminds me of a metaphor

used by Collingwood in his *My Autobiography*. He said that some philosophers, after advocating a scientific method, refrain from divulging the theory behind it. This is like telling your readers that the world is carried on the back of an elephant, although you do not know what props up the elephant.

Similarly, in tracing the roots of a culture, a kind of knowledge or a mode of thinking, we need to ask: What is the pivot (or, as some would say, “cornerstone,” or “shared understanding,” or “presupposition”) upon which they turn? In his analyses of diverse cultures in *The Decline of the West*, Oswald Spengler notes that every culture is founded on a “concept” or “symbol” that is uniquely its own. This concept or symbol reveals a basic understanding of the world shared by the members of this culture, determining all the visible cultural manifestations. Michel Foucault expressed a similar view in his *History of Sexuality*. To him, the shared understanding is apparently a structured aspect of the unconscious. The theologian Paul Tillich would treat it as “the ultimate principles.” To him, “these ultimate principles and knowledge of them are independent of the changes and relativities of the individual mind; they are the unchangeable, eternal light, appearing in the logical and mathematical axioms as well as in the first categories of thought.” The Chinese in traditional times called it the Dao. I prefer “the ultimate basis.”

II

In the course of history, men created their own fundamental conceptions of themselves. It is probably more accurate to say they incessantly “erased” rather than “created” such conceptions. Thus, a basic supporting structure is formed at the very bottom of their consciousness, and above it they construct a system of knowledge and

thought. There is thus an underlying backdrop, which can be likened to the roots of a tree, which support and nourish the tree trunk, branches and leaves. This backdrop is the foundation of all knowledge and ideas. In fact, it limits all human judgments and interpretations even while providing the rationale for them. Once established, this backdrop, in its turn, is constantly confirmed by the knowledge and thought it supports. But it gradually fades out as history progresses, so that it is eventually hard to delineate. Most of the time it supports our interpretive frame, hermeneutic structures, angle of observation and criteria for judgment, and serves as “the ultimate basis.” Until it collapses, there can be no “unanticipated” changes, or “unexpected” ruptures. Everything evolves, extends and expands in the known world, and men feel secure in the systems created in it.

In time, as the rich knowledge and thought emerging from the foundation gradually proliferate, the background becomes hidden and all sorts of differences and perspectives develop. As Zhuangzi says, “The various schools diverged and could not return to a shared basis. Schools of later times, unfortunately, did not see the purity of Heaven and Earth, or the central principles of the ancients. There was a breakdown of unified thought.” This “breakdown” does not imply separation from the ultimate Dao, although extreme paths were taken by Confucianism, Mohism and Daoism. It was revealed in all sorts of techniques used by the numerologists and shamans, and in the legal and administrative tactics deployed by those in power. In spite of this, however, the ancients still had an awareness of the cardinal importance of the ultimate basis. When they wanted to give authority and validation to various aspects of knowledge and thought, they had to talk about “rational principles,” that is, the “ultimate basis.”

In Mircea Eliade’s *A History of Religious Ideas*, he discusses the origin and formation of Chinese thought. With reference to the concepts of

primal chaos (*huntun*), *yin-yang* and the Dao as used by the various philosophical schools, he enumerates how the Dao ought to have been a generally accepted idea. Certainly, there was a shared intellectual system in the background which informed the philosophies of these schools; behind the keyword *dao*, which was used by all the thinkers without explanation, there lurked a self-evident ultimate basis. David L. Hall and Roger T. Ames, in their *Thinking through Confucius* (1987), also correctly point out the premises governing Chinese thought as seen in Confucian philosophy. According to them, “these usually unannounced premises held by the members ... make communication possible by constituting a ground from which philosophic discourse proceeds.” The inward orientation of Chinese ontology, the polarization of ideas, and the recourse to tradition as background explanation—these are the undeniable “premises.” Because of such “premises,” ancient Chinese thought differs from Western thought, in its emphasis on an external cosmology, bipolar thinking, and rational justification. In his *The World of Thought in Ancient China*, Benjamin Schwartz indicates the shared premises of all ancient schools of thought in China: (a) an all-embracing social and political order with the ruler placed at the center of the cosmos; (b) an idea of order in which Heaven and Man are included; and (c) an overall concept of immanence. While I agree with the views of these scholars, we must ask: How did keywords like *dao* come into being? Why did they become pervasive? How did the kind of thinking involving an external cosmology, bipolar thinking and historical justification become confirmed? How did these become accepted “premises”? What, in other words, made them self-evident for the ancient Chinese people? Many things that appear completely natural and reasonable are in reality not so, but became so in the course of history when they were accepted by the majority.

With regard to the Dao, the *Laozi* says, “The Dao that can be discussed is not the constant Dao.” Because it is so deeply embedded in

our history, only remotely affecting our knowledge and thought, it “cannot be spoken of.” According to the “Xici” (Commentary on the Appended Words) of the *Yijing* (Book of Changes): “*yin* and *yang* together make up the Dao ... ordinary people use it on a daily basis but they are not aware of it.” The average man is not aware of it because he is accustomed to it. What the early Chinese felt to be most pervasive, and the later Chinese accepted as part of their lives, were the temporal as well as spatial concepts of Heaven and Earth.

III

In this way we are reminded of another ancient aphorism: “Heaven never changes, nor does the Dao.”

Indeed the Dao has very remote origins and it is closely related to Heaven. At the beginning of my intellectual history I will discuss the significance of the discoveries of the jade *cong* in Liangzhu, the dragon-tiger mussel-shell figurine in Puyang, and the jade plaques in Lingjiatan. I suppose many of the fundamental ideas in ancient China were founded on concepts of a round Heaven and a square Earth, *yin-yang* permutations, and the center vs. the four directions—all based on astronomical and geographical observations. The knowledge and culture of ancient China were vested in the hands of shamans, who dealt professionally with celestial and topographical phenomena. These concepts created a temporal and spatial framework in the minds of ancient men, within which all the permutations in the cosmos were placed. Through symbolic suggestions and myth-making rituals, and through a process of analogy, all the ancient concepts came to coalesce around the notions of Heaven and Earth. The unchanging “Heaven” became the backdrop for the unchanging “Dao,” which in turn lent support to many “principles,”

and these principles rationally justified a range of “techniques.” To the ancients, “Dao” is “Heaven” and “the One.” It can also be the “Primal One.” As seen in recently discovered documents dateable to the third century B. C., the Primal One gives birth to water and water complements the Primal One. Heaven is then created, and it also complements the Primal One. After that Earth is created. In ancient times, “Heaven” became synonymous with the “Dao,” and man’s experience of it led to all sorts of rational justifications. This gave rise to an “order” of knowledge and thought. In the long course of history, through rituals and symbols, this order became consolidated into concepts that people could accept, seeping into every aspect of knowledge and thought. The serious implications that the “Heavenly Dao” had for the ancient Chinese cannot be properly grasped by contemporary men. In a suggestive manner, all the feelings, thoughts and actions associated with Heaven were regularly reiterated. In a way, Heaven is part of Truth; it is something both mystifying and irresistible.

In the world of knowledge, thought and beliefs in ancient China, the ultimate basis—“Heaven”—never changes. “Heaven does not change, nor does the Dao.” Representing a natural, justifiable order, it lends support to astronomical and calendrical calculations, explanations of natural phenomena, physiological and psychological experiences (and cures for them), the ranking and establishing of the social classes, the legalization of political ideologies, the conduct of rituals (and the interpretation of their symbolic meanings), the rules of popular games, the aesthetic appreciation of works of literature and art, as well as the layout of cities, palaces and lodgings for ordinary people. The notion of “the unity of Heaven and Man” implies a fundamental basis upon which all kinds of rational thinking related to Heaven (the universe) and Man (the human world) were built. It was actually the decisive backdrop behind much ancient knowledge and thought. Given a desire for order, the

cultural system established against such a backdrop could be absolutely stable over a long period of time. But, once the foundation is shaken, order will be disrupted, and the effectiveness of all forms of knowledge and thought in explaining the world will be lost. At such a time, the entire civilization faces a crisis. The new astronomical knowledge introduced by foreign missionaries was initially never banned because for everybody it was just a technical issue. However, once it shook—even uprooted—the Chinese idea of Heaven, causing fundamental intellectual changes, members of the alert yet stubborn intelligentsia rose in violent opposition. Thus, I have used “Heaven and Earth Torn Asunder” as the title for my two chapters on Chinese cosmology as opposed to Western astronomy propagated by the Ming-Qing foreign missionaries. I feel that only such a title can capture the deep-seated fears and worries in the hearts of the intelligentsia at the time and the traumatic shock that occurred with the changes in “Heaven.”

Incidentally, the idea of the unity of Heaven and Man once attracted great attention in the 1990s. Many scholars, differently motivated, seem to have found in this a perennial topic which sparks hopes that Oriental culture will shine again. Thus, in the context of the Western view of the breakdown of the link between “Man” and “Nature,” and of technology’s conquest of Nature, these scholars attempted to uncover “the unity of Heaven and Man” from past documents and offer it as proof that the twenty-first century can belong to Oriental cultures. However, much of the discussion about this concept turned it into a catchphrase for protection of the environment or wildlife. Its practical usefulness was prioritized over its deeper connotations. Few scholars bothered to seek historical interpretations for this ultimate basis which penetrates all aspects of the Chinese experience.

IV

Earlier I mentioned that, when tumultuous changes occurred in history, old knowledge and beliefs were like boats cast adrift in the flood of new ideas. At such times new anchors had to be sought. But once the period of change was over, time would make people forgetful, and the intellectual foundations relied upon previously became no longer recognizable. In light of this, we need to attempt what Foucault has called an “archaeology of knowledge,” repainting the picture of how the foundations of knowledge, thought and beliefs were built in earlier times.

In Chinese there is an axiom, “proper as the principles of Heaven and Earth,” which goes a long way toward explaining the ultimate basis. Occasionally the question has been raised as to why these principles do not need to be substantiated. The *Zhuǎn yǔlèi* (Classified Sayings of Zhu Xi) is a most interesting and remarkable book. Zhu Xi expounded to his students many principles related to Heaven and Earth, showing how the numerous Small Principles of today are supported by the primal Big Principle. He says: “The *taiji* is the basic principle in the myriad things. For Heaven and Earth, the *taiji* is at the center. For the myriad things, the *taiji* is also at the center. It existed prior to Heaven, Earth and the myriad things.” His disciples placed this statement at the very beginning of their anthology of Zhu’s sayings, aiming to present, first and foremost, this ultimate basis for all truths. The compilers of the traditional encyclopedias from the Sui dynasty onward did something similar, giving the section on “Heaven and Earth” pride of place, revealing what the ancient Chinese, probably unconsciously, held most dear in their hearts.

Notes

[1] The quotation is adapted from R   (2001: 245-46).

About the Author/Translator

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書 評



譯翻寫脈^[1] 今得讀 興味列絡歎弗^[2] 如 ——讀單德興教授《翻譯與脈絡》

蕭文乾

由清華大學出版社出版的“翻譯與跨學科研究叢書”最近又推出臺灣中研院單德興教授的《翻譯與脈絡》（下稱《脈絡》）一書。該書是作者在翻譯研究領域辛勤耕耘的結晶，特色鮮明，學理清晰，是一部值得推薦的優秀學術著作。下面，筆者結合自己心得，從三個方面來評述該著作。

一、《脈絡》複雜多重 不宜單面輕讀

《脈絡》之趣旨，在其充斥字裏行間、躍然案前紙上，炳然齊現的多重性與脈絡性；可深掘、堪回味。

全書由序始，單教授以作者、後輩口氣，先謙沖自談其身分：學者／譯者／作者；及至跋，單教授再持作者身分，然已轉為前輩語氣，循循善誘後學者，明示其遊移／猶疑於多重身分下的反思所得。但用心有眼的讀者也會看出，夾於中間的六篇論文與附錄，暗藏玄機，用細膩工筆影影綽綽地勾勒出一位將當時尚缺學術能見度的西方學者薩依德譯介到東方學界的引薦／推薦

者；讓過去甚具民間知名度的張愛玲二度復出到現代學界的發現／重現者；為立格列弗、薩依德二名，踟躕整月的嚴謹譯者，乃至最後循循善誘後進，分享其美籍授業恩師李達三（John Deeney）當年所示，三十年來謹記在心，甘“將自身作橋樑”^[3]的慈愛長者。

而此“要當橋樑，就別怕人踐踏”之人生勇氣與單教授多年來恪守的“有為者，譯當如是”之豪願與自詡，可說是暗貫本書，譯／意／義最深邃的之道路、線索、法脈。本書作者身分看似多重但用心一貫，內容精深繁複而脈絡井然，若輕鬆輕率瀏覽，不得見全景完貌，實甚可惜。試論如下：

二、《脈絡》有跡可循（cite）、有稽可考（site）、有機可觸（excite）

（一）有跡可循，次序井然：《脈絡》的內緣脈絡一章節安排的形式脈絡

（1）譯者的身分多元性脈絡：第一篇〈譯者的角色〉針對義大利名諺“Traduttore, traditore”（“翻譯者，反逆者也”）加以“翻譯”、“反逆”，以理論與實務來印證譯者其實扮演了仲介者、溝通者、傳達者、介入者、操控者、轉換者、背叛者、顛覆者、揭露者／掩蓋者、能動者／反問、重置者／取代者、脈絡化者、甚至雙重脈絡化者的角色。譯文既是譯者存在的最佳證明，也見證了他的諸種角色，而譯者在代表／再現原作（者）的同時，也代表／再現了自己。單教授的論述邏輯，脈絡清楚，討論

了譯者之後，旋即切入實例，舉出譯作。

（2）譯作的理論縱深性脈絡：第二篇〈翻譯・經典・文學——以 *Gulliver's Travels* 為例〉以具體的例證從文字、文本、文學、文化等四個層面來檢視這部經典作品原先的背景與中文翻譯，並分享譯者譯注的經驗與心得。行文安排緊接着又回到譯者。

（3）譯者的時代歷史性脈絡：第三篇〈翻譯・介入・顛覆：重估林紓的文學翻譯——以《海外軒渠錄》為例〉既將林譯置於清末中國知識分子啟蒙與救國的時代氛圍中，也引用林所撰寫的該書譯序，並指出譯文中的誤譯、漏譯、添譯、改譯，以彰顯林紓如何借着“介入翻譯”及“翻譯介入”來表達譯者的微言大義。全文借助晚近若干翻譯理論所提供的視角，落實於具體的文本分析，並將林譯置於更寬廣的脈絡，探討在中外對抗的情境下的清末譯者。

（4）譯者的文化政治性脈絡（架構敘述）：若林譯反映的是清末譯者面對的情境，那麼冷戰時代的文學翻譯則具有不同的文化政治（cultural politics）意義。第四篇〈冷戰時代的美國文學中譯：今日世界出版社之文學翻譯與文化政治〉便承接上篇論文所述，從冷戰時代的歷史脈絡，除運用相關資料之外，還針對當時參與其事者、譯者及相關學者進行訪談，以深入探究文學翻譯與文化脈絡的關係。

（5）譯者的文化政治性脈絡（實務操作）：第五篇〈含英吐華——析論張愛玲的美國文學中譯〉延續前一篇論文所提供的歷史脈絡與架構，回歸、落實於“譯者張愛玲”之研究。

（6）譯者的文化生產性脈絡：第六篇〈理論之旅行／翻譯：以中文再現 Edward W. Said——以 *Orientalism* 的四種中譯為例〉

運用薩依德“理論之旅行”、“他者的再現”和米樂（J. Hillis Miller）“理論之翻譯”等觀點，來探討近年兩岸三地對後殖民論述大師薩依德的代表作 *Orientalism* 之中譯，以此一具體事例說明處於不同文化生產脈絡中的譯者，如何以不同的方式與策略來翻譯、再現薩依德——小從一字一詞的中譯（如書名或原作者之名），大到整本書的呈現方式。

（7）作者／譯者的個人自述性脈絡：至於跋〈我的翻譯（研究）因緣〉則以個人化筆法來訴說自己的際遇，以及如何從切身體驗中逐漸與個人的學術研究結合，發展出自己的理念與實踐。

（二）有稽可考，旁徵博引：《脈絡》的外緣脈絡—縝密周詳的引述脈絡

單教授“跨界引述”的功夫，不僅於一般的時空維度（跨古今／中外，從《論語》、《孟子》到 *Siting Translation: History, Post-Structuralism, and the Colonial Context* 到《東方主義》），還觸及文類體裁（跨翻譯／創作，從《海外軒渠錄》到 *Gulliver's Travels*）、乃至學科分際（跨學術／大眾，從薩依德到張愛玲）、生活領域（跨公／私，從個人生活所感所憶到學術生涯所思所悟），甚至跨界內界，引中帶引（藉由自引所譯綏夫特筆下虛擬角色格理弗於原作中所引的飛行島居民口中之言，明引譯暗自述了己之實志^[4]），峰迴路轉，細膩精采，讀來拍案叫絕。

（三）有機可讀，行間藏鋒：《脈絡》的整體脈絡—雙關多意的修辭脈絡

單教授為知名譯／作家，其詼諧的多關修辭文采奪目，出現

在文學味濃厚的《格列弗遊記》的翻譯裏雖令人眼亮，難稱驚艷；但於學術性強烈的《脈絡》仍不時得見，在所難掩，便真令人拜服其譯／文筆之靈動。《脈絡》中，此類佐證極多，信手拈來，即見單教授亦莊亦諧進出古今（〈我的翻譯（研究）因緣一代跋〉中的自述，便巧妙從孔子筆下的注而不述，互文雙關到孩子腳上的“Just Do It”）——雖為有趣的文字遊戲，卻非無謂的遊戲文字，往往富涵深蘊，值得回甘品味。而讀者在閱讀過程中，越讀越興味盎然，妙趣橫生，不覺中已悅讀完畢。世上的學術成就者與文采斐然者自不在少，但能將艱澀學術與詼諧文字寫／譯的如此舉重（important）若輕（light reading），相得譯彰者，應仍不多。

三、結論：讀此書，要得其法

如單教授自述，《脈絡》的重要靈感之一，乃借用印度裔翻譯學者妮蘭佳娜（Tejaswini Niranjana）所說的“為翻譯定位”（siting translation）之 site 一字，加以豐富化，發展成自己 cite/site “雙重脈絡化”（dual contextualization）的理路。單教授取英語諧音為其理論命名，獨具巧心，然或因時有未逮，思尚未及，僅以“引用”、“置於／定位”二字譯之，小違其於格理弗時代的推敲精神，筆者冒昧，越域代譯，建議可考慮以有跡／有稽（化）譯 cite/site：除譯出原文的語音雙關外，單所言“以‘citing’來落實於文本（text）”，以跡譯之，取其痕跡／足跡／軌跡等等內在性較強的意義，並可互文到前沿翻譯理論的 trace

theory；而單所言“以‘siting’來鑲嵌於脈絡（context）之意”，以稽譯之，取其從更大的外在語境下稽查、稽核之意。再者，兩詞的明顯諧音（“有機”）不僅暗喻彼此互文的知識譜系，更可同時譯出其學術性（與化學的學科支流同名）與時代性（暗聯當今健康飲食潮流）。

誠如單教授於《脈絡》中所言：“譯者可扮演仲介者、溝通者、傳達者、介入者、操控者、轉換者、背叛者、顛覆者、揭露者／掩蓋者、能動者／反問、重置者／取代者、脈絡化者、甚至雙重脈絡化者的角色。譯文既是譯者存在的最佳證明，也見證了他的諸種角色，而譯者在代表／再現原作(者)的同時，也代表／再現了自己。”筆者忝為評者，不敢稱代表／再現作者，但心嚮往之，故在此願亦步亦趨，野人獻曝：書評既證明着讀者對作者的拜讀精讀，也暗示着讀者—譯者—作者的諸種角色的輪演，好戲不曾也不會落幕。由此申之，像單教授這樣用心的譯者／作者／學者，既已將其畢生迄今之所研所言所譯，落實結晶成此書，可想見，其中反覆明講暗示，乃至“再三致意”（見《脈絡》序）的脈絡，豈僅其謙稱的雙重？應達三重，甚或多重，乃至《大方廣佛華嚴經》所說：重重無盡。延此思路，筆者願以評者／薦者／讀者身分，提出自己閱讀方法與心得：《脈絡》可讓讀者 cite, site, excite；從閱讀、越讀（不僅是再次的越，更是跨越文化古今中外的越）到悅讀。此時就得其三味，跨越了 citing 與 siting 的境界，置身於 exciting 的文字天地、智識花園裏，得其意、興盎然。

筆者才疏，讀《脈絡》只能說是瞻之在前，忽焉在後。本文忝為書評，不敢妄評，但求持平，進以此論作結：從妮蘭佳娜博

士論文的 site 發展成單德興教授專著的 cite/site，到筆者書評的 cite/site/excite，足可證明“脈絡”之說，博大精深，近乎於道。小至一詞，都如此層次井然，有痕跡、可稽查、藏機鋒；若得窺全豹，脈絡必能更加分明——親見內文翔實“引述”，感受此書學界“定位”，更可刺激心識，引發智欲。

注 釋

- [1] 取諧音／倒裝修辭技巧；“寫（血）脈相傳”亦呼應單教授自述其譯路甘苦時，引述其恩師所言，借言前輩，忠告後進之一番心意。
- [2] 為呼應貫穿本書的脈絡化主旨與處處可見的雙關修辭，筆者不學，特於書評題目中嵌入翻譯／德（得）興／脈絡／與單教授於書中專闢章節，精采論述的“弗”，“列”等字眼。
- [3] 《翻譯與脈絡》〈序〉；另，引文均依《脈絡》篇目，下不一一標明出處。
- [4] 此處所指的是綏夫特在 *Gullivers' Travels* 裏自創的 Climenole/flaaper（開理門路／執拍者）一詞；單教授於〈翻譯・經典・文學——以 *Gulliver's Travels* 為例〉文末以 Let's celebrate the flapper/translator!（且讓我們稱頌執拍人／譯者！）作結。

作者簡介

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書 評



翻譯改變了誰？

——克羅寧新作《翻譯與身份》之評介

李 波

Translation and Identity. Michael Cronin. London: Routledge, 2006. 166 pp. ISBN: 0-415-36464-7, £ 70, ISBN: 0-415-36465-5 (paperback), £ 21.99.

一

2006年2月，筆者赴英國參加由東安格利亞大學（University of East Anglia）主辦的專題研討會，會議的主題是“翻譯中的自我與身份”（self and identity in translation）。研討會旨在探討翻譯活動和翻譯文本中有關文化的／歷史的、創造性的、性別的及其它的主體性和身份的問題。其核心問題有兩個：一是譯者、譯者所處文化、或邊緣群體的身份如何影響翻譯的多樣性；另一個則是翻譯的結果會構建何種身份。^[1]近年來，坊間多有有關譯者主體性的討論，而研究多集中於探討譯者的文化身份如何影響翻譯過程和操縱翻譯結果，女性主義翻譯研究就是這方面一個典型的例子。

然而，翻譯是一個複雜的過程，既包括譯者的翻譯操作，還應該涉及譯作的接受及其在目的語文化中的身份建構作用。由此，就將焦點放大到有關文化身份的問題上。主體性和身份是文化研究的兩個核心關鍵字，而翻譯研究的文化轉向就不可避免地要涉及到對翻譯中的主體性和身份的討論。可以說，主體性研究主要關注身份影響翻譯的多樣性問題，而翻譯在目的語文化中的身份建構問題，也應該得到相應的重視。

回到香港後不久，就看到了麥克·克羅寧（Michael Cronin）的新作《翻譯與身份》，該書將上述兩方面緊密地結合起來，正如他在前言裏指出的，“本書所要探討的問題就是工業和後工業經濟與社會中出現了何種身份，而在這種身份建構過程中，翻譯發揮了什麼樣的作用？”（Cronin 2006: 2）

任教於都柏林大學的克羅寧近年來非常關注翻譯與跨文化交流的問題，分別於 1996、2000 和 2003 年推出了《翻譯愛爾蘭》、《越界：旅行、語言和翻譯》、以及《翻譯與全球化》三本力作，而《翻譯與身份》可以說是他對全球化背景下的翻譯所做思考的延伸，因為正是全球化這一大背景下，“在描述某種類型的身份如何形成及如何被建構方面，翻譯是功不可沒的”（Cronin 2006: 3）。同時，在《越界：旅行、語言和翻譯》中，他也對全球化語境下語言和翻譯在他者身份建構方面所發揮的作用進行過詳細討論，並提出了“翻譯的游牧理論”（nomadic theory of translation）（Cronin 2000: 2）。

二

除了上面提到的前言部分，全書共分四個章節，分別討論翻譯與新世界主義（new cosmopolitanism）、翻譯與移民、口譯／闡釋身份（interpreting identity）、多樣性之未來等話題，分別涉及移民的影響、民族文學課程設置、當代國家間戰爭等熱點問題，而這些都和翻譯與身份密切相關。接下來本文將對各個章節的內容分別介紹。

第一章探討了當代社會對文化研究和政治學中世界主義這一概念的新關注，用以解釋本土與全球之間的關係。克羅寧通過愛爾蘭和中國的翔實個案表明，“有關翻譯的世界性思維如何闡釋具體的國別／際翻譯史”（3）。他同時指出，按照世界性含義整合後的翻譯理論，能夠很好地解釋以下三個方面的具體問題，即本土化實踐、國別文學課的課程改革、以及跨國機構翻譯政策的制定等等。其中，作者認為，翻譯是與其他語言和文化社群建立聯繫的最佳途徑，並且，為了使這種聯繫行之有效，翻譯應該被廣泛地納入到教育課程設計中。比如說，推廣不同的國別文學並不會對我們的個體身份構成威脅，而是可以避免“單一文化思維模式”（36）。

第二章主要探討了移民所帶來的重要影響。克羅寧試圖將翻譯與移民進行類比，因為二者都牽涉到從原語／原文化到目的語／目的語文化的遷移。這表明了文化與翻譯之間的相互關係，因為翻譯可以通過各種方式促進多元文化主義。克羅寧對當前有關多元文化主義的爭論進行了簡要的總結，並討論了翻譯和移民這一領域內的兩種具體觀點，即翻譯同化（translational assimilation）

和翻譯適化（translational accommodation）。前者反映出來的主要目的是“經濟整合和社會生存”（52），而後者被視為抵抗的一種形式，或者是對恐懼“完全翻譯”（total translation）的一種回應，在完全翻譯的情形下，個體“被同化而不是融合到”社會中（57），因為同化意味着他們獨特語言和文化本源的消失。作者以愛爾蘭為例，具體分析了愛爾蘭如何從向外移民變成向內移民。作者仔細考察了新移民在定居過程中所採用的多種多樣的翻譯策略。以此為背景，作者討論了一系列問題，如當前的移民現象如何影響對國家歷史的認識、跨文化主義的影響、國家內部的翻譯向國家間翻譯的轉向等等。克羅寧指出如果在移民這一語境下沒有有效的翻譯理論和實踐，也就難以看到政治正義得以伸張。為此，譯者不僅應該現身，更應該現聲，並且譯者現聲是當今世界譯者政治定位的關鍵因素。

第三章的標題是一語雙關，英文是 interpreting identity，既可以翻譯成闡釋身份，也可以理解為口譯身份。克羅寧指出，由於口譯員周旋於各種身份、忠誠和權利的對抗壓力之間，因而很多時候他們的處境和實踐是具有危險性的，並且口譯員並不能因為自己的活動而受到像筆譯者那樣的認同。鑒於口譯員所處的矛盾和權利對抗境地，作者認為有必要將口譯員視為化身了的代理（embodied agent）（76），通過追蹤這種化身代理在各種不同利益衝突下的作用和影響，我們才能正視口譯員身份這一更加複雜和多樣的概念。克羅寧通過十六、七世紀愛爾蘭法庭口譯指出，“法庭口譯員的存在總是提醒人們，愛爾蘭生活和經驗的某些方面還是處於英語世界之外的”（91），因此譯者的“忠實度”備受質疑。除了莎士比亞戲劇、伊拉克戰爭等文學和政治事件為例

證之外，克羅寧還通過電影 *The Interpreter* (2004) 來說明口譯員的身份問題。該片在台港及大陸地區出現了不同的譯名，如《雙面翻譯》、《口譯員》、《翻譯風波》、《叛譯者》等等。僅僅從這些譯名就可以看出，譯者的身份本身就是一個值得思考的問題。

第四章，克羅寧提出了一個很有意思的問題，就是關於多樣性的未來的問題。他指出，文化多樣性的“消失”與政治和經濟因素息息相關。針對文化多樣性的消失，翻譯可以發揮重要的作用，因為翻譯可以鼓勵新的文化形式，而這些新的文化形式可以促進多元文化社會裏的多樣性。他指出，翻譯學者在保護和推進多元語言教學方面發揮着重要作用，沒有這種教學，這些多元語言可能會在文化版圖上逐漸消失。然而，同時，“很少有人願意翻譯目標語社會所不熟悉的作者的作品，這與出版業的變化密不可分”（129）。克羅寧提倡“負熵翻譯視角”（negentropic translational perspective），即“關注通過翻譯實踐而‘出現’的新的文化形式”，並且積極參與推進多樣性（129）。他強調翻譯與口譯的重要性，將它們視為聯繫人與人關係的重要活動，因為“如果沒有翻譯，資訊不會在語言、說者和社群之間流動，並且成功的城市安居將會受到嚴重威脅”（137）。克羅寧建議，雖然翻譯被視為日常生活中邊緣化的活動，但是這一活動應該引起我們的反思，以期更好地理解在全球化的世界裏，“人類是怎樣生存的，並且以後將怎樣繼續生存”（143）。

三

克羅寧關注的是工業和後工業經濟與社會中，譯者的主體性作用與譯作／譯者在新的身份建構過程中所發揮的作用。其實，如果按照巴克爾（Barker）對身份的界定，既包括自我身份（self-identity）又包括社會身份（social-identity），他指出，“我們對自己的見解和看法構成我們的自我身份，而來自他者的預期和觀念則構成我們的社會身份”（Barker 2000: 165）。在翻譯的語境下討論身份的問題就變得複雜和多樣，應該分層次、多方面地展開討論。首先，還是要結合主體性研究，因為巴克爾也指出，“主體性與身份是密不可分的”（同上）。在這個層面上，譯者的主體性作用是與譯者的自我身份認同緊緊聯繫在一起的。以女性主義翻譯來說，女性主義譯者在翻譯過程中，必然凸現其女性主義的政治動機和目的（political agenda）。此時，譯者的主體性發揮與其身份認同是一致的，可以說，主體性的發揮首先是服務於自我身份的建構。當然，這可以算是翻譯研究中相當極端的例子。但是，不可否認，從功能主義的角度來看，任何的翻譯都是由某個目的驅動的，而這個目的的實現很大程度上取決於譯者的身份認同。

不能忽視的是，譯者的自我身份建構，也會受到諸多因素的影響和限制，特別是目的語社會的主流意識形態和詩學等因素。嚴復提出翻譯的“信達雅”三原則，“雅”就已經清楚地彰顯了其身份定位，其譯文要達到“雅”就是要符合主流意識形態和詩學的標準，其目標讀者是受過教育的士大夫。嚴復對自己的定位就是要認同士大夫階層的閱讀習慣和接受能力，這很好地體現了

嚴復作為一個譯者對自己的身份的確證和建構。

如果上面討論的是譯者的自我身份認同，其社會身份的建構又是什麼情形呢？克羅寧在第三章以口譯員為例進行了詳細的闡釋。簡言之，譯者／口譯員在各種利益集團爭鬥過程中，扮演着重重要的角色。電影 *The Interpreter* 就是一個很好的例子。其實，現實生活中，我們周圍都可以觀察到這種對翻譯／口譯員的社會預期和想像，除了風光之外，譯員有時卻擔當了替罪羔羊的角色。各種選美比賽中，選手會將自己的落敗歸咎於口譯員的失職；文學獎評比中，社會有這種看法：某某不能入圍是因為沒有好的翻譯；等等。香港特別行政區特首曾蔭權在發表施政報告後，因最低工資立法的問題受質疑。此時，可憐的譯者又被領出來做擋箭牌。難怪，無論是翻譯還是口譯，多數情況下都會謹小慎微，唯恐越雷池半步。也正因為如此，譯者很多時候寧願選擇“隱形”，比如在譯作中隱藏譯者姓名等等。與此相比，口譯員就要面臨拋頭露面的壓力和尷尬了。

以上主要圍繞譯者／口譯員的身份展開討論，特別是與譯者主體性聯繫在一起。但是，不能忽視的是，翻譯活動也會涉及到對他者的身份建構，這也是克羅寧的新書所關注的，即工業和後工業經濟社會的身份建構過程中，翻譯發揮了什麼樣的作用？

（Cronin 2006: 2）在翻譯研究視野下，他者的身份建構也頗有意義。他者所建構的自我身份，可能由於翻譯而發生改變和被改寫。這方面，陳嘉煥（Chen 2006）的文章〈外交、國家身份和翻譯：中英早期外交信函的個案研究〉，就是一個很好的例子。英國在十八世紀末期的自我身份建構體現在其寫給中國的外交信函中，而這種自我身份卻在翻譯過程中，被翻譯改寫，以期更好地

適應當時中國社會的世界版圖觀。所以，體現在中文文本中的英國身份，是被操控的他者身份、被改寫了的他者身份。

四

綜觀全書，克羅寧的新作有幾個特點值得關注。

首先，視野的調整。作者之所以提出新世界主義的概念，就是要將翻譯研究投射到更宏大的跨國經驗這一背景之下。克羅寧認為，“相對於早期翻譯研究領域內的實踐，如今不能夠再將翻譯史局限於某一國家領土邊界內的文學現象；而必須充分闡述由於國家離散經驗而帶來各種各樣的翻譯活動。正因為如此，任何的翻譯史都必然是‘跨國’史，而不是‘國家’史”（2006: 23）。將國家翻譯史放置到跨國經驗和國家離散背景下來考慮，更能凸現翻譯的實質和特徵。克羅寧分別以愛爾蘭和中國的翻譯史為例，論證了自己的觀點。

其次，視野開闊。全書篇幅不算太大，但就是在這有限的空間內，作者談古論今、內外相容並蓄，以宏大的歷史觀和世界觀，盡可能的覆蓋諸多有關翻譯與身份建構的問題。作者對自己的祖國愛爾蘭特別關注，內容涉及愛爾蘭翻譯史、愛爾蘭移民與翻譯的關係等等；除此之外，作者還將觸角延伸到其他世界範圍內與翻譯和身份建構有關的領域，如文學經典與世界文學、歐盟的語言、歷史、經濟與政治等等。作者不僅關注筆譯，也涉及到聽其聲、見其人的口譯，這體現了作者對翻譯中身份建構問題思考的多方面性，既有翻譯／口譯在構建他者身份中的作用，又有

翻譯／口譯員自身身份建構的闡釋。

另外，作者的龐大視野還體現在其對多樣性未來（第四章）的深思熟慮。作者運用社會學原理，從正反各個方面反思翻譯的社會功能。將這種社會功能與文化、語言多樣性聯繫起來。多樣性不應該成為文化交流和溝通的障礙，而應該是文明對話的前提。雖然異質他者會帶來某種程度的焦慮，但不應該將它視為消滅和破壞自我身份的威脅。翻譯的社會功能在這個意義上是應該鼓勵接觸、瞭解、對話，實現對異質他者的尊重和接受。對抗不是解決問題的辦法，對話才是唯一出路。正如我國人類學家費孝通先生所提出的，“各美其美，美人之美，美美與共，天下大同”，這才是面對多樣性所應該採取的態度和策略。可以看到，在這一點上，費孝通與克羅寧還是有很大的相似點的，而對話和天下大同則是克羅寧通篇所關注的。

翻譯是一個複雜的社會現象，而全球化背景下思考翻譯，會有更多的問題值得我們探討。克羅寧從身份這個角度切入，對翻譯本身的身份建構和翻譯在工業和後工業社會與經濟中所發揮的建構作用，都進行了詳盡的分析和探討，對我們理解翻譯與身份之間的關係有很大的啟發意義。就在本篇寫就之時，收到了來自東安格利亞大學的最新一期 *Norwich Papers*，其中收錄了本文作者和其他九位“翻譯中的自我與身份”研討會與會者的論文，而這一期的主題就是“身份：全球和國家語境下的翻譯之功能”（Collard and Johnson 2006）。

注 釋

^[1] 參見 <http://www.uea.ac.uk/eas/events/self+identity/callforpapers.htm>

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